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THE
GREAT CHARTER
AND
CHARTER OF THE FOREST,
WITH OTHER
AUTHENTIC INSTRUMENTS:
TO WHICH IS PREFIXED
AN INTRODUCTORY DISCOURSE,
CONTAINING
THE HISTORY OF THE CHARTERS.

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TO
The Right Honourable.
JOSEPH
Earl of
WESTMORLAND,
Baron LE DESPENSER and BURGHESH,
and
Chancellor of the University of
Oxford
The Assertor of those Liberties
Of which his Ancestors Witnessed the Confirmation
The following Edition
THE GREAT CHARTER
CHARTER *and* **FOREST,**
of the
is humbly inscribed
by
His most Dutiful,
and
most Obedient Servant
William Blackstone



INTRODUCTION.



HERE is no transaction in the antient part of our english history more interesting and important, than the rise and progress, the gradual mutation, and final establishment of the charters of liberties, emphatically stiled THE GREAT CHARTER and CHARTER OF THE FOREST; and yet there is none that has been transmitted down to us with less accuracy and historical precision. There is not hitherto extant any full and correct copy of the charter granted by king John, M. Pine's engraving excepted, which, on account of the antiquity of it's character, is not fitted for general perusal: and the charters of king Henry the third have always been printed, even in our statute-books, not from the originals themselves, but from an *Inspeximus* of king Edward the first. This want of authentic materials, or neglect of recurring to such as might be easily had, (of which the foregoing are two very glaring instances) has often betrayed our very best historians and most painful antiquarians into gross and palpable errors, as will in some measure appear from the following deduction; to adjust and remedy which, as well as our remaining evidences and the distance of five centuries will allow, is the principal end of the present publication.

WHAT therefore the reader may expect in the following sheets is an authentic and correct edition of THE GREAT CHARTER and CHARTER OF THE FOREST, with some other auxiliary charters, statutes, and corroborating instruments; carefully printed from the originals themselves, or (where those are not at present in being) from cotemporary inrollments and records. And herein it will be proper to begin with the original articles or heads of agreement at the congress in Runingmede in the fifteenth year of king John, whereupon his great charter was founded; and to trace them, through their several variations and amendments during the infancy of king Henry the third, to the dangers which they underwent and the timely supports which they received during his riper age; and at length to their final and peaceful establishment in the twenty ninth year of king Edward the first. These will be illustrated, in the following introductory discourse, by such facts and records as have fallen within the observation of the editor; who hopes he shall be able to ascertain the history of this interesting branch of our laws with some little degree of exactness. But it is not in his present intentions, nor (he fears) within the reach of his abilities, to give a full and explanatory comment on the matters contained in these charters. That, properly executed, must include little less than a complete history of the feudal tenures, so far as they were received in this kingdom; together with an exact and extensive view of our antient constitution in ecclesiastical matters as well as in civil government: a work, which he hopes, and has reason to believe, has long been meditated, and is in part already executed, by a gentleman whose learning, experience, and abilities are every way suited to the performance.

WITH

WITH regard to the original of THE GREAT CHARTER, Matthew Paris (or rather Roger Wendover^a) hath recorded a tradition that it was formed upon the accidental discovery of that granted by king Henry the first. To this end he relates, that on the 20th of July 1213, when king John was absolved at Winchester by archbishop Langton from the excommunication under which he laboured, he was sworn to abolish such laws as were unjust, and to restore the good laws of king Edward; and that on the 4th of August following, in a council holden at S. Alban's, it was commanded on the part of the king that the laws of king Henry should be observed. He farther relates, that at a meeting of the prelates and nobility at S. Paul's on the 25th of August the archbishop privately informed them, that he had found a certain charter of king Henry the first, by which (if they pleased) they might re-establish their antient liberties: upon reading and understanding of which the barons, being greatly rejoiced, bound themselves with an oath in the presence of the archbishop, that whenever an opportunity offered they would contend for those liberties even to death itself. The same charter, he tells us, was produced a twelvemonth afterwards at the meeting of the earls and barons at S. Edmund's Bury; where they all swore at the high altar to make war upon the king, if he refused to grant them the liberties therein contained: and that accordingly they demanded of their sovereign a confirmation of that very charter, when they addressed him in a menacing manner at Christmas following. He, lastly, relates that the king, having obtained a respite till after Easter to consider of their demands, desired then to be informed

^a The former part of the history which goes under the name of Matthew Paris, to the year 1235, is supposed to have been written by Roger Wendover; though, in compliance with custom, it will generally be here referred to as the work of Matthew Paris.

what laws and liberties they were which they so earnestly required; whereupon they sent him a schedule, partly consisting of the articles of king Henry's charter, and partly of other laws of king Edward, upon which he insinuates that the great charter was afterwards formed. This traditional account has been adopted by all our modern historians; and from thence too sir Roger Twysden^b apprehends, that this charter of king Henry the first may be called the basis and foundation of the subsequent great charter of liberties.

It must be acknowledged, that very many of the articles, contained in the charter of king Henry the first, were in substance afterwards repeated in that of king John; as will appear by a comparison of the latter, in the present edition, with the former as inserted in the notes^c. Yet it cannot but seem very extraordinary,

^b Lamb. *Archæionom.* 157.

^c Matthew Paris has twice recited this charter of king Henry the first. (*A. D.* 1100 and 1213.) There are also two copies of it entered in the red book of the exchequer at Westminster, one of which is prefixed to king Henry's laws published by Lambard (*Archæionom.* 175.) and Wilkins. (*LL. Anglo-Sax.* 233.) It is likewise printed in Richard of Hagustald's history of king Stephen. (310.) But the following copy is taken from the *Textus Roffensis* published by Hearne; (*c.* 34. p. 51.) which is acknowledged to be the most antient of any, the book being compiled by Ernulf bishop of Rochester, who died *A. D.* 1114. The proëme, as well as the conclusion, are materially different in the several copies we have of it; but the body of the charter is in most respects much the same.

Institutiones Henrici regis.

Anno incarnationis dominice MCI Henricus filius Willelmi regis post obitum fratris sui Willelmi Dei gracia rex Anglorum omnibus fidelibus salutem Sciat me Dei misericordia et communi consilio baronum totius regni Anglie ejusdem regem coronatum esse Et quia regnum oppressum erat injustis exactionibus ego Dei respectu et amore quem erga vos habeo sanctam Dei ecclesiam imprimis liberam facio ita quod nec vendam nec ad firmam ponam nec mortuo archiepiscopo si-

ve episcopo sive abbate aliquid accipiam de dominico ecclesie vel de hominibus ejus donec successor in eam ingreditur Et omnes malas consuetudines quibus regnum Anglie injuste opprimebatur inde aufero quas malas consuetudines ex parte hic pono Si quis baronum comitum meorum sive aliorum qui de me tenent mortuus fuerit heres suus non redimet terram suam sicut faciebat tempore fratris mei sed justa et legitima relevatione relevabit eam Similiter et homines baronum meorum justa et legitima relevatione relevabunt terras suas de dominis suis Et si quis baronum vel aliorum hominum meorum filiam suam nuptum tradere voluerit sive sororem sive neptem sive cognatam mecum inde loquatur sed neque ego aliquid de suo pro hac licentia accipiam neque defendam ei quin eam det excepto si ea vellet jungere inimico meo Et si mortuo barone sive alio homine meo filia heres remanserit illam dabo consilio baronum meorum cum terra sua Et si mortuo viro uxor ejus remanserit et sine liberis fuerit dotem suam et maritacionem habebit et eam non dabo marito nisi secundum velle suum Si vero uxor cum liberis remanserit dotem quidem et maritacionem habebit dum corpus suum legitime servaverit et eam non dabo nisi secundum velle suum Et terre et liberorum custos erit sive uxor sive alius propinquarius qui justius esse debeat Et precipio quod barones mei similiter se contineant erga filios et filias vel uxores hominum suorum
Monetarium

that since Matthew Paris himself informs us, that copies of king Henry the first's charter were sent (*A. D. 1100.*) to all the coun-

Monetarium commune quod capiebatur per civitates et comitatus quod non fuit tempore regis Eduuardi hoc ne amodo sit omnino defendo Si quis captus fuerit sive monetarius sive alius cum falsa moneta iusticia recta inde fiat Omnia placita et omnia debita que fratri meo debebantur condono exceptis rectis firmis meis et exceptis illis que pacta erant pro aliorum hereditatibus vel pro eis rebus que iustius aliis contingebant Et si quis hereditate sua aliquid pepigerat illud condono et omnes relevationes que pro rectis hereditatibus pacte fuerant Et si quis baronum vel hominum meorum infirmabitur sicut ipse dabit vel dare disponet pecuniam suam ita datam esse concedo Quod si ipse preventus armis vel infirmitate pecuniam suam non dederit vel dare disposuerit uxor sua sive liberi aut parentes et legitimi homines ejus eam pro anima ejus dividant sicut eis melius visum fuerit Si quis forisfecerit non dabit vadium in misericordia pecunie sicut faciebat tempore patris mei vel fratris mei sed jecundum modum forisfacti ita emendabit sicut emendasset retro a tempore patris mei in tempore aliorum antecessorum meorum Quod si perfidie vel sceleris convictus fuerit sicut iustum fuerit sic emendet Murdra etiam retro ab illo die qua in regem coronatus fui omnia condono Et ea que amodo facta fuerint iuste emendentur secundum legem regis Eduuardi Forestas omni consensu baronum meorum in manu mea retinui sicut pater meus eas habuit Militibus qui per loricas terras suas defendunt terras dominicarum carrucarum suarum quietas ab omnibus gildis et omni opere proprio dono meo concedo ut sicut tam magno allevamine alleviati sint ita se equis et armis bene instruant ad servitium meum et ad defensionem regni mei Pacem firmam in toto regno meo pono et teneri amodo precipio Legem Eduuardi regis vobis reddo cum illis emendationibus quibus pater meus eam emendavit consilio baronum suorum Si quis aliquid de rebus meis vel de rebus alicujus post obitum Willelmi regis fratris mei cepit totum cito sine emendatione reddatur et si quis inde aliquid retinuerit ille super quem inventum fuerit michi graviter emendabit Testibus M. Lundonie episcopo et Gundulfo episcopo et Willelmo electo episcopo et Henrico comite et Sim' comite et Waltero Giffardo et Rodberto de Monfort et Rogero Bigoto et Henrico de Portu apud Londoniam quando fui coronatus.

To this it may not be amiss to subjoin the charters of king Stephen and king Henry the second, in

order to throw together in one view the several grants of liberties which have been made by our antient monarchs, prior to the great charter of king John. Of king Stephen's there are two extant; one entered in the red book of the exchequer at Westminster, and preserved also *totidem verbis* in an antient MS in the Cotton Library, (*Claud. D. 2. fol. 75.*) which is as follows;

Stephanus Dei gratia rex Anglie justiciariis vicecomitibus baronibus et omnibus ministris et fidelibus suis Francis et Anglicis salutem Sciatis me concessisse et presenti carta confirmasse omnibus baronibus et hominibus meis de Anglia omnes libertates et bonas leges quas Henricus rex Anglie avunculus meus eis dedit et concessit et omnes bonas leges et bonas consuetudines eis concedo quas habuerunt tempore regis Edwardi Quare volo et firmiter precipio quod habeant et teneant omnes illas bonas leges et libertates de me et heredibus meis ipsi et heredes sui libere quiete et plenarie et prohibeo ne quis eis super hiis molestiam vel impedimentum vel diminutionem faciat super forisfacturam meam Teste Willelmo Martel apud London.

The other, which chiefly respects ecclesiastical matters, is somewhat longer; and is not only recited by Richard of Hagustald, the historian of this prince, (314.) but the original itself under seal was formerly in the hands of M. Hearne; (*Not. ad Guil. Neubrig. 711.*) though what is now become of it is uncertain. The following is the copy which he gives of it.

Ego Stephanus Dei gratia assensu cleri et populi in regem Anglorum electus et a Willelmo Cantuariensi archiepiscopo et sancte Romane ecclesie legato consecratus et ab Innocentio sancte Romane sedis pontifice postmodum confirmatus respectu et amore Dei sanctam ecclesiam liberam esse concedo et debitam reverentiam illi confirmo Nichil me in ecclesia vel rebus ecclesiasticis simoniace acturum vel permissurum esse promitto Ecclesiasticarum personarum et omnium clericorum et rerum eorum iusticiam et potestatem et distributionem honorum ecclesiasticorum in manu episcoporum esse perhibeo et confirmo Dignitates ecclesiarum privilegiis earum confirmatas et consuetudines earum antiquo tenore habitas inviolate manere statuo et concedo Omnes ecclesiarum possessiones et tenuras quas die illa habuerunt qua Willelmus avus meus rex Angl' fuit vivus et mortuus sine omni calumpniantium reclamacione eis liberas

ties in England, and deposited in the principal monasteries; since the same was expressly confirmed by his grandson king Henry the second, as appears from his charter below; and since the laws of king Henry the first were commanded to be observed by king John's own authority, on the 4th of August; this charter should notwithstanding have been so totally forgotten by all the prelates and barons assembled at S. Paul's, within three weeks afterwards, that it's discovery by the archbishop should be a matter of such novelty and triumph: nay, that the king himself, at Easter 1215, should want information what those laws and liberties were, that were then so

et absolutas esse concedo Si quid vero de habitis vel possessis ante mortem ejusdem regis quibus modo careat ecclesia deinceps receperit indulgentie et dispensationi mee vel restituendum vel discutiendum reservo Quicunque vero post mortem ipsius regis liberalitate regum largitione principum oblatione comparatione vel qualibet transmutatione fidelium eis collata sunt confirmo Pacem et justiciam me in omnibus facturum et pro posse meo conservaturum eis promitto Forestas quas Willelmus rex avus meus et Willelmus secundus avunculus meus instituerunt et tenuerunt mihi reservo Ceteras vero omnes quas Henricus rex superaddidit ecclesiis et regno quietas reddo et concedo Si quis episcopus vel abbas vel alia ecclesiastica persona ante mortem suam sua rationabiliter distribuerit vel distribuenda statuerit firmum manere concedo Si vero morte preoccupatus fuerit pro salute anime ejus ecclesie consilio eadem fiat distributio Dum vero sedes propriis pastoribus vacue fuerint ipse et omnes earum possessiones in manu et custodia clericorum vel proborum hominum ejusdem ecclesie committantur donec pastor canonice substituaturs Omnes exactiones et injusticias et mescheningas sive per vicecomites vel alios quoscumque male inductas funditus extirpo Bonas leges et antiquas et justas consuetudines in murdris et placitis et aliis causis observabo et observari precipio et constituo Hec vero omnia concedo et confirmo salva regia et justa dignitate mea T. W. archiepiscopo Cant' et H. archiepiscopo Roth' et H. episcopo Wint' et R. episcopo Sar' et A. episcopo Linc' et E. episcopo Norwic' et S. episcopo Wirec' et B. episcopo sancti David' et A. episcopo Ebr' et R. episcopo Abr' et R. episcopo Heref' et Johanne episcopo Rouec'

et A. episcopo Carp' et R. Canc' et H. nep' reg' et R. de Fife' et R. comite Gloec' et W. comite War' et R. comite Cestr' et R. comite Warwic' et Roberto de Ver' et M. Gloec' et B. filio Com' et R. de Oilli conest' et Willelmo Mart' et H. Big' et V. de Bub' et S. de Belloc' dap' et W. de Alb' et Eud' Mart' Linc' et R. de Ferr' et Willelmo Penr' et S. de sancto Licio et W. de Albam' et P. filio Joh' et H. de sancto Claro et J. de Lacio Apud Oxen' anno dominice incarnationis M. C. XXXVI. in communi concilio.

The charter of king Henry the second is entered in the red book of the exchequer, from which the following copy is exactly printed;

Henricus Dei gratia rex Anglie dux Normannie et Aquitanie comes Andegavie baronibus et fidelibus suis Francis et Anglicis salutem Sciatis me ad honorem Dei et sancte ecclesie et pro communi emendatione totius regni mei concessisse et reddidisse et presenti carta mea confirmasse Deo et sancte ecclesie et omnibus comitibus et baronibus et omnibus hominibus meis omnes consuetudines quas Henricus avus meus eis dedit et concessit Similiter etiam omnes malas consuetudines quas ipse delevit et remisit ego remitto et deleri concedo pro me et heredibus meis Quare volo et firmiter precipio quod sancta ecclesia et omnes comites et barones et omnes mei homines omnes illas consuetudines et donationes et libertates et liberas consuetudines habeant et teneant libere et quiete bene et in pace et integre de me et heredibus meis sibi et heredibus suis adeo libere et quiete et plenarie in omnibus sicut rex Henricus avus meus eis dedit et concessit et carta sua confirmavit Teste Ricardo de Luci.

earnestly

earnestly demanded of him. Nor indeed, if this charter was thus uppermost in the minds of the barons, can we at all account for their forgetfulness at the congress of Runingmede; the name of king Henry the first not once occurring in the *capitula*, or rough draught, of the great charter; nor even in the charter itself. It is possible however that, though the circumstances with which it is embellished are very suspicious and improbable, yet the story itself may so far have a foundation in truth, that the recollection and remembrance of the charters, which the king's predecessors had granted, might suggest to the prelates and barons the propriety of demanding another; and might teach them the greater expedience of having the liberties which they claimed openly set down in writing, than of relying on the general terms of the oath which the king had just taken at Winchester.

FOR it is agreed by all our historians that the great charter of king John was for the most part compiled from the antient customs of the realm, or the laws of king Edward the confessor; by which they usually mean the old common law, which was established under our Saxon princes, before the rigors of feudal tenure and other hardships were imported from the continent by the kings of the norman line. But the immediate occasion of demanding a restitution and confirmation of these liberties, at this particular time, is somewhat difficult to be certainly known. Matthew Paris, we see, attributes it to the sudden discovery of the long-lost charter of king Henry the first. Knyghton, Hemingford, and Robert of Gloucester agree in asserting that the king's inordinate debauchery was the cause of these civil dissensions; and the two former have given us a particular account of the plot laid by the king to vitiate the wife of Eustace de Vesci, a principal baron of those times, who thereupon
(it

(it is said) stirred up the other barons to assert their liberties by force of arms. And this receives some countenance, not only from the testimony of a cotemporary writer^d, who informs us that the king had caused that nobleman and Robert Fitzwalter to be outlawed, had seised their lands, and had demolished their castles; but also from a mandate, which was sent by pope Innocent the third to Eustace de Vesce, 5 November 1214, and is preserved in Rymer's *Fœdera*^e, requiring him to cease from troubling the king by any farther confederacies or conspiracies against him, since the differences between the kingdom and the priesthood were now providentially allayed. But the annals of Waverley, (which are also apparently cotemporary with these tumults) besides the oppression and incontinence of the king himself, ascribe the anger of the barons to the ill use which Peter bishop of Winchester, who in 1213^f was constituted chief justiciary, made of his newly acquired power during the absence of king John in France. And this appears the more probable, because the nobility were from the first extremely disgusted at his promotion, taking it very ill that a foreigner should be preferred above them all^g; and because in the great charter we find the power of the chief justiciary considerably curbed in many instances, and a strong innuendo given^h that the officers of justice had been deficient in the knowlege, or at least in the observance of the

^d Ralph of Coggeshale; who wrote a continuation of an antient chronicle, which has never yet been printed in England. There are extant two MSS of this chronicle, which begins *A. D.* 1066, and was originally compiled by Ralph Niger a monk of the abbey of Coggeshale; one in the Cotton library, (*Vespas. D.* 10.) the other in the heralds' office among the duke of Norfolk's collection: (numb. 11.) in both of which at the year 1207 is the following entry: *Obiit dominus Thomas abbas v^{us} de Cogesh^b, cui successit dominus Radulfus monachus ejusdem loci, qui hanc cronicam a cap-*

tione sancte crucis usque ad annum undecimum Henrici regis iij filii regis Jobannis descripsit. Two imperfect fragments of this chronicle, from a MS in the library of S. Victor at Paris, are printed in the fifth volume of *Veterum Scriptorum et Monumentorum Collectio* by Martene and Durand. *Par.* 1729. fol. 801 & 871.

^e 1 Rym. 195.

^f *Ibid.* 181.

^g R. de Coggesh.

^h cap. 45.

laws of the land. Possibly indeed these motives did all of them concur to animate the conduct of the discontented barons: domestic injuries received from the king in person, coupled with some gross acts of national oppression by his minister, might whet their private resentment as well as rouse their public spirit, to demand a new security against such tyrannical proceedings for the future.

*A. D. 1214.
16 Feb.*

BUT whatever were the provocations that incited them, it appears that a league of the barons was formed at S. Edmund's Buryⁱ, towards the close of the year 1214, when they assembled together under pretence of devotion, and therefore probably (as M. Carte has conjectured^k) on the 20th of November, which was S. Edmund's day. They there solemnly swore upon the high altar, to wage war with the king, and withdraw themselves from his fealty, till he should confirm by a charter under seal the several liberties which they demanded: and to that end they engaged, to go in a body to the king immediately after Christmas to make their request in form, and in the mean time to provide themselves with horses and arms, that (in case he receded from his former engagements) they might compel him to give them satisfaction by attacking his castles.

ACCORDINGLY, on the day of the Epiphany^l, they came to the king at London, in a manner that seemed to denounce hostilities in case of opposition^m, and demanded a confirmation of the liberties which they so often had claimed. John at first made a shew of resistance, absolutely refused their demands, and endeavoured to extort a promise from the barons that they would never renew this request: but, finding them resolute in their purpose, he thought it

ⁱ Matth. Paris.

^k 1 Hist. of Engl. 828.

^l 1 Rym. 185.

^m Matth. Paris.

best to gain time; and therefore at length it was agreed that the king's answer should be respited till the close of Easter.

A. D. 1214.
16 Feb.

IN the mean time both parties took their several measures to accomplish the very different ends which they had in view. The king, in order to gain the churchmen to his interests, gave up by a charter (dated the 15th of January^a) to all the monasteries and cathedrals in the kingdom the free right of electing their prelates, reserving only the form of a *conge d'elire* beforehand, and of the royal assent afterwards; but expressly declaring that, if both or either were arbitrarily withheld by the crown, the election notwithstanding should be valid^o. This charter he immediately transmitted to Rome by an agent of his, one W. Mauclore, who arrived there on the 17th of February. The barons also dispatched Eustace de Vescei, and one or two more, to make good their story to the pope; and to implore the interposition of his holiness, as the feudal lord of the kingdom, in order to admonish and (if necessary) to compel his royal vassal to the faithful observance of those ancient liberties, which had been confirmed by the charters of his ancestors, and the oath of the king himself. These ambassadors arrived at Rome on the 28th of February following^p. The king also, farther to insure both himself and his possessions from violence, on the 2^d of February^q took upon him the cross and vowed an expedition to the holy land against the infidels; it being, according to the romantic superstition of the times, to the highest degree profane and

^a Matth. Paris. W. Thorn. 1 Rym. 198.

^o In 1 Wilk. *Concil. M. B.* 545, there is a transcript of this charter from the register of the church of Canterbury, dated 21 Nov. 1214; about the same time that the king granted to the archbishop of Canterbury the entire and absolute patronage of the bishoprick of Rochester. (2 Pryn. Rec. 339.) It is

possible therefore that this grant, of 15 January, might be only a re-sealing or fresh promulgation of the former charter, for the purpose of transmitting it to the pope.

^p 1 Rym. 184.

^q According to Matth. Paris; but Matth. Westm. and T. Wykes say it was the 4th of March.

irreligious

A. D. 1214.
16 Feb.

irreligious to offer any personal insult to such heroical votaries, or even to attack their property. But this fit of devotion, arising more from his apprehensions than his zeal, proved very ineffectual to his purposes; since archbishop Langton was, though secretly, at the head of the confederacy against him.

THE pope however, willing to favour his new vassal, (whose charter concerning elections he accepted very graciously, and confirmed on the 30th of March^r;) sent letters to the bishops and barons^r dated the 19th of March, 1214; disapproving of the conduct of the latter, in endeavouring to extort by force what they rather should have requested with reverence, and exhorting the former to interpose their good offices, in order to preserve the peace of the kingdom; to which end he concluded with recommending it to the king to deal graciously with his nobles, and to grant them their just petitions.

A. D. 1215.
17 Feb.

THESE letters did not arrive till after Easter, which happened this year on the 19th of April^r, and was the time when the king had engaged to give in his answer to the barons. They therefore in the Easter-week, before the receipt of the pope's letters^u, assembled at Stamford in Lincolnshire with a numerous army of their dependants, among whom were reckoned no less than two thousand knights; and from thence marched to Brackley in Northamptonshire on Monday the 27th of April; the king being then about fifteen miles distant, at Oxford. Upon news of their approach the king sent to them the archbishop, the earl of Pembroke, and some others, to learn an exact account of the laws and liberties which

^r 1 Rym. 197.

^u *Ibid.* 198.

^t Dufresne. Gloss. t. *Annus.*

^u 1 Rym. 204.

they

they required him to confirm: to which they replied by sending a written schedule containing the whole of their demands, and sub-joined a menace that, unless these were immediately granted under seal, they would seize the king's castles and other possessions till they compelled him to do them justice. Ralph of Coggeshale mentions this as the time of their producing the charter of Henry the first; which was probably now appealed to by way of precedent, in order to demonstrate to the king, that their demands were neither in substance nor in form so entirely new as he might choose to represent them. Matthew Paris relates, that the king received these overtures with great indignation, asking why the barons did not also demand of him to surrender his kingdom, and protesting with an oath that he never would grant such liberties to them as must render himself a slave; and he adds, that upon this message being returned the barons kept no farther measures, but broke out into open war. But king John himself, in his account of these transactions to the pope^w, complains that the barons and even the prelates had paid no regard to his holiness's letters; (which seem to have arrived during this fruitless negotiation) nor to the pleas which he had alleged for his security, that the kingdom was now (by his late resignation of his crown to the pope) become S. Peter's patrimony, and that he himself had taken the cross for the holy land: he moreover declares, that he had offered to abolish all evil customs that had arisen in his own time, or in the time of his brother king Richard, and to refer any grievances introduced in his father's reign to the advice and determination of his faithful subjects; that at the instigation of the archbishop (who, till that should be done, refused to excommunicate the insurgents according to the

A.D. 1215.
27 Feb.

^w 1 Rym. 200. 2 Pryn. 345.

*A. D. 1215.
17 Joh.* pope's directions) he had dismissed all the foreign mercenaries that were in his own army; and had afterwards by letters patent offered to refer all differences to the holy see and eight other arbitrators, four to be named by each party; or to the judgment of their own peers; or, lastly, to the sole judgment of the pope alone: but that the barons refused all proposals of accommodation.

THAT some credit may be given to this account, though proceeding from an interested party, is certain, because the letters patent containing the last offer are still extant upon the rolls at the tower*, conceived in very similar terms to those of the thirty ninth chapter of the subsequent charter at Runingmede. But whether it was that the barons suspected the king's sincerity, or disliked the umpirage of the holy see, they determined not to hazard by any treaty what they thought they were strong enough to obtain by force; and accordingly now chose them a general in form, namely Robert Fitzwalter beforementioned, whom they entitled the marescall of the army of God and of holy church. They next in the most solemn manner on the 5th of May, at Wallingford[†], disclaimed all allegiance to the king, and were absolved from their oath of fealty by one of the canons of Durham. Immediately after which they began their attack upon the king's castles; and, though they were repulsed at Northampton, yet the fortress of Bedford

* Pat. 16 Joh. part. 1. m. 3. d. n. 2.

Rex omnibus ad quos littere presentes pervenerint salutem Sciatis nos concessisse baronibus nostris qui contra nos sunt quod nec eos nec homines suos capiemus nec diffissemus nec super eos per vim vel per arma ibimus nisi per legem regni nostri vel per iudicium parium suorum in curia nostra donec consideratio facta fuerit per iiij^{or} quos eligemus ex parte nostra et per iiij^{or} quos eligent ex parte sua et dominum papam qui superior erit supra eos et de hoc securitatem eis facie-

mus quam poterimus et quam debemus per barones nostros et interim volumus quod episcopi London' Wygorn' Cestrens' Rossensis et W. comes Warenn' interim eos securos faciant de predictis et si forte contra aliquod interceptum fuerit infra competens tempus per predictos octo emendetur Et in hujus &c eis fieri fecimus Apud Windesorum x die Maii a. r. n. xvimo.

† Chron. Dunstap. But Thomas Walsingham (Upodigm. Neustr.) places this transaction at Reading.

surrendered upon their first approach, and they took possession of London without any opposition, by private agreement with the citizens, on Sunday the 24th of May^a.

A. D. 1215.
17 Job.

THE king, who had retired to Odiham in Hampshire^a, finding himself deserted by almost all his followers, and that he had only seven lords who remained in his court^b, was obliged to give way to the storm; and therefore dispatched William Mareſcall earl of Pembroke to London, to inform the discontented barons that he was ready to comply with their demands, and to desire that a place and time of meeting might be fixed for that purpose^c. Accordingly a large meadow between Windsor and Stanes (about half way from Odiham to London) was appointed for the place of conference; which meadow was denominated Runingmede or Runemedede, signifying (according to Matthew of Westminster) *pratum consilii*, because he says it had heretofore been frequently used for holding great councils of the realm: and the Tuesday in Whitson-week, or 9th of June, was first agreed on as the time of the congress; for which purpose the king came to Merton in Surry the day before, and there granted letters of safeconduct to the barons^d. But the meeting was afterwards deferred till the Monday following, and the safeconducts were continued to that time^e; the

^a So Matth. Paris; but the chronicle of Dunstaple and R. Coggeshale, instead of the 24th, say it was on Sunday the 17th.

^b 1 Rym. 201.

^c R. Coggesh.

^d Matth. Paris.

^e Pat. 17 Job. m. 24.

Rex omnibus has literas inspecturis salutem Scia-
tis quod suscepimus in saluum conductum nostrum om-
nes illos qui venient ex parte baronum usque Stan' die
Martis in septim' Pentecostes anno regni nostri xvijmo
in eundo illuc et redeundo et ibidem moram faciendo ad
pacem faciendam et firmandam inter nos et ipsos baro-

nes Duret autem conductus iste usque ad diem Jovis
proximo sequentem completum Et in hujus &c vobis
mittimus T. meipso apud Mereton viij die Junii
a. r. n. xvijmo.

^e Eod. Rotulo, membr. ead.

Mandatum est comiti Sar' Savarico de Malo Leone
Ricardo filio Regis Willielmo Briwerr' Willielmo de
Cantilup' Walerando Teutonico Johanni de Basinge-
burn Willielmo de Harecurt Rogero de Nevill' Ste-
phano Haringot' et Gaufrido de Marteny quod treuge
predicte prorogate sunt a die Jovis in septim' Pente-
costes usque in diem Lune in crastino Trinitatis mane
et quod treugas illas interim fideliter et firmiter inte-
rim

A. D. 1213.
17 Feb.

king being then at Windsor. On which last mentioned day, being Trinity-Monday the 15th of June, the barons came to the place appointed in great numbers, and the king attended by a very few (and those only seeming) friends from among the prelates and temporal lords. They encamped apart from each other^f, like declared enemies, and then opened the conference, which lasted for several days and did not come to a conclusion till Friday the 19th of June.

WHEN preliminaries were adjusted, they first drew up certain articles or heads of agreement, which were afterwards to be reduced to the form of a charter; and to these the king affixed his great seal. A copy of these is entered in a book belonging to the archbishop's library at Lambeth^g; from whence sir Henry Spelman transcribed them into his *Codex veterum legum*, which is published by doctor Wilkins at the end of his *Leges Anglo-Saxonicae*^h: but the original articles themselves are still in being, and from them the following copyⁱ is exactly printed. These were formerly in the possession of doctor Burnet bishop of Salisbury; who in his famous pastoral letter, which was burnt by the order of both houses of parliament, having vouched a particular clause in them the existence of which was doubted by some of his antagonists, the whole was thereupon printed (though somewhat incorrectly) from the Lambeth manuscript, in the appendix to a tract of those times^k. How the articles came to the bishop's hands, he himself will best inform

rim teneant nec malum vel dampnum eis vel aliquibus de suis inferant T. R. apud Windesorum x die Junii anno ut supra.

^f R. Coggesh.

^g 3 Selden. 1995.

^h pag. 356.

ⁱ pag. 1.

^k This tract was entitled, "Reflections upon the opinions of some modern divines concerning the nature of government in general, and that of England in particular." 4^{to}. Lond. 1689.

us^l.

us¹. From him they descended to his son the late sir Thomas Burnet; and are now in the hands of David Mitchell, esquire, his executor; who with the utmost politeness permitted the editor to correct the following edition, as it came from the press, by this original.

A.D. 1715.
17 Feb.

THE articles are written on parchment, ten inches and three quarters broad, and twenty one inches and an half in length including the fold for receiving the label. To this label, which is also of parchment, is appendant the great seal of king John, of a whitish yellow wax and but little injured by time. It is represented (with the imperfections shaded) in the plate, page 9, and the counterseal in page 24. The articles are thus endorsed in a cotemporary hand, *Articuli magne carte libertatum sub sigillo regis Johannis*; and they are in all respects legible and perfect, except that in section 32^m a few letters are worn out by the folding of the original,

¹ History of his own times. pag. 32. "When archbishop Laud's impeachment was brought to the lords' bar, he apprehending how it would end sent over Warner bishop of Rochester with the keys of his closet and cabinet, that he might destroy or put out of the way all papers that might either hurt himself or any body else. He was at work for three hours, till upon Laud's being committed to the black rod a messenger went over to seal up his closet, who came after all was withdrawn. Among the writings he took away it is believed the original *magna charta* passed by king John in the mead near Stains was one. This was found among Warner's papers by his executor; and that descended to his son and executor, colonel Lee, who" [by the intervention of M. Geddis, according to the author of the Reflections before mentioned] "gave it to me. So it is now in my hands; and it came very fairly to me. For this conveyance of it we have nothing but conjecture."

^m Though the sections are distinguished in the original, yet they are not numbered; but the nu-

meration is added in this edition both to this and the subsequent charters, for the more easy comparing of one with the other, as will be more fully explained in the sequel. The reader is also desired (once for all) to take notice that, in the printing both of this and the rest, the originals have been literally and scrupulously copied even where there was an apparent error; to which, and not to the carelessness of the press, must be attributed such gross faults as *pubblice* in page 8, *statim* in page 12, *concessissimus* in page 21, and the like. The editor however hath made no scruple to express at full length all such abbreviations in the originals, which are commonly known to those who are conversant in records, or where the terminations of the words were sufficiently ascertained by the grammar and sense of the context. Where they could not be so ascertained he hath left them abbreviated as he found them, by adding a comma or apostrophe at the end to denote the elision. To this account of the method pursued in this work, with a view to preserve it's accuracy, may be also subjoined, that wherever any record is vouched

A.D. 1215.
17 Feb.

which are therefore here printed in italic characters. Though the hand is very much alike throughout the whole, yet it seems to be perceivable, that a few parts of it were written at some little interval of time from the rest; particularly after sections 45 and 46, which compose each of them one short line not extending the whole breadth of the parchment, the exception *nisi aliter*, &c, is subjoined at the end of them in a more hasty hand, and connected to them by a kind of angular brace, as if added at the instance of the king's commissioners upon more mature deliberation.

WHEN these articles were agreed upon and sealed, the next employment seems to have been to reduce them to the form of a charter; of which such a number of originals were made that one was deposited in every county^a, or at least in every diocese^b. Two, if not three, of these originals are still existing: the two are in the British Museum, lately removed thither with the rest of sir Robert Cotton's invaluable collection, from whence M. Pine's engraved copy was taken; and the third was collated by M. Tyrrel^c with Matthew Paris's copy about sixty years ago, being then in the archives of the dean and chapter of Salisbury; but, upon diligent enquiry made at that cathedral in April A.D. 1759, nothing of this sort could be found^d. There is also a pretty accurate french translation of this charter among the records of France, probably carried over by prince Louis, which Dachierie has published in his *Spicilegium*^e. The following edition^f is carefully printed from M. Pine's

vouched in these notes, the same has been examined with the rolls at the tower by the editor himself, unless where some other book is expressly referred to as containing it.

^a R. Coggesh.

^b Chron. Dunstap.

^c 2 Hist. of Engl. 821. and Append. 9.

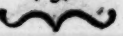
^d This was owing in part to the repairs then making in the library, which had thrown the books and MSS into some disorder: but it is also said that thirty years ago this charter was missing.

^e xii. 573.

^f pag. 10.

engraving of the Cottonian original; which is in breadth fourteen inches and an half, and in length twenty inches and an half including the fold for the label. It was undoubtedly sealed with the same seal as the articles, but the waxen impression was melted and defaced by the unfortunate fire that happened *A.D.* 1731.

A.D. 1215.
17 Feb.



THE transposition of the parts of this charter, and also its variations from the preceding articles, will be easily found by the help of the numerals which the editor has added in the margin. The most material alterations and additions are; — in chap. 1, the mention of the former charter for freedom of ecclesiastical elections: — in chap. 2, the ascertaining the respective reliefs of heirs: — in chap. 4, the punishment of misbehaviour in such officers as were entrusted by the king with the wardships of lands, and were accountable to the crown for the same; as contradistinguished from those, to whom the king had absolutely given or sold such wardships: — in chap. 6, the alteration of the directions concerning the marriage of heirs, which in the articles is directed to be done by advice of the relations, but in the charter is softened down to barely giving them notice: — in chap. 13, the confirmation of the liberties of all cities and boroughs in the kingdom, as well as those of London: — the whole of chap. 14, concerning the manner of summoning a general council of the realm to assess aids and scutages: — in chap. 19, the manner of adjourning the determination of writs of assise: — the whole of chap. 21, concerning the amercements of earls, and barons: — in chap. 26, the saving in favour of the reasonable parts of the widow and children of the deceased:

* The common arabic ciphers mark the sections of the charter itself in numerical order; the roman numeral letters distinguish the correspond-

ing sections of the preceding articles, upon which the charter was formed.

— in

*A. D. 1215.
17 Feb.*

— in chap. 27, the saving in favour of the debts of intestates: — in chap. 35, the ascertaining of measures and weights: — in chap. 41, the provision on behalf of alien enemies trading in England: — in chap. 42, the exception against prisoners, outlaws, &c: — the whole of chap. 47, concerning the deafforesting of forests, &c: — in chap. 48, the information to be given to the king by the twelve knights, before they should redress any grievances of the forest: — in chap. 52, the recognition of the king's right to the same privileges, in point of civil suits, as other crusaders enjoyed, which in the articles is doubtfully expressed; and the absolute respite of such suits till he returned from the holy land, instead of referring them to the archbishop and bishops: — the whole of chap. 53, concerning the respite of deafforesting the forests which were afforested by the king's father or brother: — the whole of chap. 54, in restraint of the appeals of women: — in chap. 56 and 57, the regulations with regard to the restitution of the Welsh whom the king himself had disseised, and the respite of those disseised by his father and brother till his own return from the crusade: — in chap. 58 and 59, the referring the disputes concerning the prince of Wales and king of Scots to the judgment of their peers, instead of the archbishop and the rest: — in chap. 61, the ascertaining the time for redress of grievances to forty days; and, towards the end, the omission of specifying the pope by name: — in chap. 62, the general pardon: — and the whole of chap. 63, containing the general recognition of liberties, and the mutual oaths of the king and barons.

At the end of this charter mention is made of certain letters testimonial, which the archbishops, the legate, and others, had framed by the king's command, concerning the liberties and security,

city thereby granted. A copy of these letters, reciting the charter at length, is entered in the red book of the exchequer at Westminster; which has been carefully collated by the editor, and the various readings of that entry are noted at the bottom of the page.

*A. D. 1215.
17 Feb.*

THE twenty five barons elected by the rest of the nobility, in pursuance of the charter, to be guardians of the liberties of their country, were these: the earls of Clare, Aubermale, Gloucester, Winchester, Hereford, Roger Bigod of Norfolk, and Robert de Veer of Oxford; William Mareſcall^u the younger, Robert Fitzwalter, Gilbert de Clare, Eustace de Vescei, the mayor of London, William de Mumbray or Mobray, Geoffrey de Say, Roger de Mumbezon, William de Huntingfeld, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitzrobert, William de Lanvalay or Lanvaler, Hugh Bigot, and Richard de Muntfichet.

THERE was a circumstance that attended the making of this charter that has not been commonly, if ever, taken notice of before. The archbishops of Canterbury and Dublin, with other bishops, apprehending that by the generality of the provisions in chap. 48 of the charter the very being of all forests might be endangered, entered a protest; declaring that it was not the intention of the parties, that the general words of the charter should extend to abo-

^u Matthew Paris makes William Mareſcall the younger an earl, and instead of Roger de Mumbezon gives us Roger de Munbray, and for William de Lanvalay substitutes Robert Delaval: but the names of these three barons, as here printed, are extant in the margin of a very antient copy of king John's charter among the Harleian MSS in the British Museum, (numb. 746. fol. 64.) which seems of the age of king Edward the first; and

they are also mentioned as parties to the convention entered into at Runingmede. (see pag. 25.) But the name of another of the barons in the Harleian MS, Robert de Boys, not being in that convention, it is here printed Robert de Ros, according to the reading of Matth. Paris; and the rather, because de Ros is a witness to the charters of 9 Hen. III. (see pag. 58 and 66.)

A. D. 1215.

17 Feb.

lish such customs of the forests, without the existence of which the forests themselves could not be preserved. This protest is entered on record in the tower of London^v.

THE mention of these forest-clauses cannot but remind us of what Matthew Paris, or rather Roger Wendover, has so roundly asserted; that king John granted a separate charter containing the immunities of the forest, because they were too bulky to be comprized in one and the same instrument with the other liberties. And he has accordingly very formally presented us with king John's charter of the forest, agreeing in all material points with that of his son Henry the third; but which, there is reason^x to believe, never had any existence but in the invention of that legendary monk, or else in some inaccurate register which he copied; in like manner as the great charter, which he has given us, is essentially different from the originals in the British Museum and at Salisbury^y, and from the entry in the red book of the exchequer. For, not to insist on the small size of the original charter itself^z, there is no clause relating to the forest in the rough draught or *capitula*, but what is adopted and amplified in the great charter as granted by king John; and surely there was sufficient room in that draught to have inserted other clauses, if then in the contemplation of the par-

^v Claus. 17 Joh. m. 27. d. et Duplicat. ejusd. m. 21. d.

Omnibus Christi fidelibus ad quos presentes littere pervenerint S. Dei gratia Cant' archiepiscopus totius Anglie primas et sancte Romane ecclesie cardinalis et H. eadem gratia archiepiscopus Dublin' W. quoque London' P. Winton' J. Bathon' et Glaston' H. Lincoln' W. Wygorn' et W. Coventr' ejusdem gratie dono episcopi salutem in Domino Cum dominus rex concefferit et per cartam suam confirmaverit quod omnes male consuetudines de forestis et forestariis et eorum ministris statim inquirantur in quolibet comitatu per duodecim milites juratos de eodem comitatu qui

debent eligi per probos homines ejusdem comitatus et infra xl dies post inquisitionem factam penitus ita quod nunquam revocentur deleantur per eosdem dum tamen dominus rex hoc prius sciat Universitati vestre notum fieri volumus quod articulus iste ita intellectus fuit ex utraque parte quum de eo tractabatur et expressus quod omnes consuetudines ille remanere debent sine quibus foreste servari non possint et hoc presentibus litteris protestamur.

^x 2 Tyr. 821.

^y Ibid. Append. 9.

^z See page xviii.

ties. It is likewise remarkable that the king and the pope, in their subsequent proceedings relative to this transaction, mention one charter only in the singular number. And indeed it would have been exceedingly absurd to have loaded the great charter with any clauses relating to the forest, if another distinct instrument had been then sealed for the liberties of the forest only. We shall observe too in the sequel of these enquiries, that these very clauses were omitted, and the consideration of them was expressly respited, in the first charter of king Henry the third; and that they afterwards formed a part of his separate charter of the forest, which was settled with mature deliberation when the peace of the kingdom was restored: which charter of king Henry it is that Roger Wendover has fathered upon king John; though it contains (as will presently be shewn) some internal evidence, which makes it almost impossible to be older than the time of his son. But let us now return to the charter of Runingmede.

*A. D. 1215.
17 Feb.*

THE barons were too sensible of the faithless temper of their monarch, to trust only to seals and parchment, or even to his solemn oath; but demanded also a real and substantial security for his performance of the articles of the charter; nothing less than the custody of the city and tower of London till the 15th of August then next ensuing, and afterwards till the charter should be carried into execution. To this the king also consented, if compliance in his circumstances may be called a consent, and the custody was actually delivered*. This convention is recorded in the tower, and is here^b printed immediately from the roll^c.

* R. Coggesh.
^b page 25.

^c *Claus. 17 Feb. m. 27. d. et Duplicat. ejusd.
m. 21. d.*

A. D. 1215.

17 Joh.

IN this agreement there is notice taken of the writs then issued for choosing the twelve knights, who, according to the tenor of the charter, should abolish the evil customs which prevailed in the forests and other franchises. These writs are on record in the tower^d, bearing date the 19th of June, on which day the peace was fully concluded^e, and the king received the homage of his barons. It therefore seems extremely probable, that the several duplicates of

^d Pat. 17 Joh. m. 23. d.

Rex vicecomiti forestariis warennariis custodibus ripariarum et omnibus ballivis suis in eodem comitatu salutem Sciatis pacem firmam esse reformatam per Dei gratiam inter nos et barones et liberos homines regni nostri sicut audire poteritis et inde per cartam nostram quam inde fieri fecimus quam etiam legi publice precepimus per totam ballivam vestram et firmiter teneri Volentes et districte precipientes quod tu vicecomes omnes de balliva tua secundum formam carte predictae jurare facias xxv baronibus de quibus mentio fit in carta predicta ad mandatum eorundem vel majoris partis eorum coram ipsis vel illis quos ad hoc atornaverint per literas suas patentes et ad diem et locum quos ad hoc faciendum prefixerint dicti barones vel atornati ab eis ad hoc Volumus etiam et precipimus quod xii milites de comitatu tuo qui eligentur de ipso comitatu in primo comitatu qui tenebitur post suspensionem literarum istarum in partibus tuis jurent de inquirendis pravis consuetudinibus tam de vicecomitibus quam eorum ministris forestis forestariis warennis et warennariis ripariis et earum custodibus et eis delendis sicut in ipsa carta continetur Vos igitur omnes sicut nos et honorem nostrum diligitis et pacem regni nostri omnia in carta contenta inviolabiliter observetis et ab omnibus observari faciatis ne pro defectu vestri aut per excessum vestrum pacem regni nostri quod Deus avertat iterum turbari contingat Et tu vicecomes pacem nostram per totam ballivam tuam clamari facias et firmiter teneri precipias Et in hujus &c vobis mittimus Teste meipso apud Runimed^e xix die Junii anno regni nostri xvij^{mo}.

^e The chronicle of Dunstaple expressly fixes the day of SS. Gervasius and Protasius, or 19th of June, for the day of completing the peace; and

the following writ of the king himself, directed to the leaders of his own forces, states the peace to have been concluded on the Friday after Trinity Sunday, which was also the 19th of June, though by some oversight the writ itself is tested on the 18th; possibly by the clerk's mistaking a v for an x, (xviii for xxiii) since the writ entered immediately before it on the roll is tested on the 23^d of June. See note (k) below.

Pat. 17 Joh. m. 23. n. III.

Rex Stephano Harengod &c Sciatis quod firma pax facta est per Dei gratiam inter nos et barones nostros die Veneris proxima post festum sancte Trinitatis apud Runimed^e prope Stanes ita quod eorum homagia eodem die ibidem cepimus Unde vobis mandamus firmiter precipientes quod sicut nos et honorem nostrum diligitis et pacem regni nostri ne ulterius turbetur quod nullum malum de cetero faciatis baronibus nostris vel aliis vel fieri permittatis occasione discordie prius orte inter nos et eos Mandamus etiam vobis quod de finibus et teneriis nobis factis occasione illius discordie si quid superest reddendum ultra predictam diem Veneris nichil capiat Et si quid post illum diem Veneris cepistis illud statim reddatis Et corpora prisonum et obsidum captorum et detentorum occasione hujusmodi guerre vel finium vel teneriorum predictarum sine dilatione deliberetis Hec omnia predicta sicut corpus nostrum diligitis faciatis Et in hujus &c vobis mittimus Teste meipso apud Runimed^e xviii die Junii anno regni nostri xvij^o.

The teneserie here spoken of were a kind of tax or military contribution; and are twice mentioned as such by Matth. Paris, in his life of William the twenty second abbot of S. Albans.

the

the great charter, (of which we are told that one was lodged in every county and bishoprick^f) though bearing date on Monday the 15th of June, the first day of the congress, were not completed and sealed till Friday the 19th; and then, having obtained the security which they so long had desired, the barons renewed their professions of duty by doing homage to their sovereign, after which the assembly was dissolved. But though the barons did not scruple to give the king this outward token of their allegiance, yet they somewhat unaccountably refused to certify it under their seals^g, which could not but raise some suspicions and jealousies in the king. He however proceeded to perform his part of the agreement with great apparent sincerity: he continued encamped at Runingmede till Tuesday the 23^d of June; and there not only issued writs to his english officers to put a stop to all farther hostilities, to set at liberty the prisoners, and to levy no farther contributions^h, but also sent directions to Hugh de Bova, a french exileⁱ and one of his foreign captains, to convey his mercenary forces home to their respective countries^k. After this he retired first to Odiham and then to Winchester; where, by the advice of archbishop Langton and the barons, he

A. D. 1215.
27 Feb.

^f R. Coggesh. Chron. Dunstapl.

^g This appears from a protest of the prelates entered on the rolls in the tower:

Pat. 17 Joh. m. 21. d.

Omnibus Christi fidelibus &c Stephanus Dei gratia Cant' archiepiscopus totius Anglie primas et sancte Romane ecclesie cardinalis Henricus Dublin' archiepiscopus Willielmus London' Petrus Winton' Joscelynus Bathon' et Glasston' Hugo Lincoln' Walterus Wigorniensis Willielmus Coventr' Ricardus Cicestr' episcopi et magister Pandulfus domini pape subdiaconus et familiaris salutem Noverit universitas vestra quod quando facta fuit pax inter dominum regem Johannem et barones Anglie de discordia inter eos orta idem barones nobis presentibus et audientibus promiserunt domino regi quod quamcunque securitatem habere vellet ab eis de pace illa observanda ipsi ei habere facerent preter castella et obsides Postea vero quando do-

minus rex petiit ab eis ut talem cartam ei facerent Omnibus &c Sciatis nos astrictos esse per sacrament' et homagia domino nostro Johanni regi Anglie de fide ei servanda de vita et menbris et terreno honore suo contra omnes homines qui vivere possint et mori et ad jura sua et heredum suorum et ad regnum suum custodiendum et defendendum ipsi id facere noluerunt Et in hujus rei testimonium id ipsum per hoc scriptum protestamur.

^h See note (e) immediately preceding.

ⁱ R. Coggesh.

^k Pat. 17 Joh. m. 23. n. 110.

Rex Hugoni de Bova salutem Mandamus vobis quod in fide qua nobis tenemini non retineatis aliquem de militibus vel servientibus qui fuerunt apud Dover' sed in patriam suam in pace sine dilatione ire faciatis Et in hujus &c T. meipso apud Runimed' xxiiij die Junii anno regni nostri xvijmo.

A. D. 1215.
17 Job.

on Saturday the 27th of June issued out writs to all the sheriffs in England, and to the twelve knights elected in every county, directing them to compel all persons to take the oath of obedience to the twenty five barons, which the charter had prescribed; and, in default thereof, to seize their lands, tenements, and chattels into the king's hands, and to convert the latter into money towards the relief of the holy land¹.

BUT the king, who appears at first view of these concessions to have surrendered at discretion to his barons, in reality only dissembled, in order to gain time to deceive them. Before the congress at Runingmede he had written to the pope an account of the straits to which he was reduced; and immediately afterwards (as may be collected from the event) he dispatched a messenger to Rome with a copy of the charter which he had granted. Pope Innocent was not of a temper to put up with any slight on his authority, which the whole of this transaction (considering the former applications of both parties to the holy see) appears very evidently to have been. He therefore on the 24th of August issued out a thundering bulle^m,

¹ Pat. 17 Job. m. 21. n. 105.

Rex vicecomiti Warewic' et duodecim militibus electis in eodem comitatu ad inquirendum et delendum pravas consuetudines de vicecomitibus et eorum ministris forestis et forestariis warennis et warennariis ripariis et earum custodibus salutem Mandamus vobis quod statim et sine dilatione saisatis in manum nostram terras et tenementa et catalla omnium illorum de comitatu Warewic' qui jurare contradixerint viginti quinque baronibus secundum formam contentam in carta nostra de libertatibus vel eis quos ad hoc atornaverint Et si jurare noluerint statim post quindecim dies completos preterquam terre et tenementa et catalla eorum in manu nostra saisita saisita fuerint omnia catalla sua vendi faciatis et denarios inde perceptos salvo custodiatis deputandos subsidio terre sancte Terras autem et tenementa eorum in manu nostra teneatis quousque juraverint Et hoc provisum est per judicium

domini Cant' archiepiscopi et baronum regni nostri Et in hujus Ec Teste meipso apud Winton' xxvij die Junii a. r. n. xvij^{mo}.

Idem mandatum est omnibus vicecomitibus Anglie.

At the end of the great charter in Dachierie's *Spicilegium* before mentioned (xii. 573.) there is a french translation of one of these writs, directed to the sheriff of Suthantefire, and dated Odihaam, (i. e. Odiham) *le vint et septain jor de Juig lan de nostre regne dis et septain.*

^m This bulle, which is very long, states the former reconciliation of king John to the holy see; his surrender of his kingdoms, and becoming a vassal to the pope; his taking the cross for the holy land; the pope's late interposition as mediator; the king's offer of a compromise; the obstinacy of the barons, and the supineness of the bishops; and that therefore the king had been compelled to enter

which vacated the whole charter as unjust and obtained by compulsion, and prohibited the king to observe it or his barons to require such observance. This determination of the holy father was eagerly embraced by the king and his adherents; who now thought themselves released (such was the logic, and such the religion of the times) from every engagement into which they had entered, and empowered to trample on those liberties which they had solemnly sworn to maintain.

A. D. 1215.
17 Feb.

THE subsequent proceedings of the king and his barons being foreign to the purpose of this discourse, (which is only to trace the history and progress of the charters) it may suffice to observe in brief, that, the barons still proving refractory, the pope excommunicated them, first generally, and afterwards specially by name, as being worse than the Saracens themselves in obstructing the king's expedition to the holy land: that the king hired a body of foreign troops, and gained such advantages over his barons, that they had recourse to the desperate expedient of calling over Louis, the eldest son of king Philip the second of France, to accept their allegiance: that he accordingly landed in England on the 21st of May 1216, and reduced king John to great difficulties: but that in the midst of

A. D. 1216.
18 Feb.

ter into a base and vile composition, to the great derogation of his rights and the honour of his crown; and then proceeds in these words: *Quia vero nobis a Domino dictum est in propheta "Constitui te super gentes et regna ut evellas et destruas edifices et plantes" itemque per alium prophetam "Dissolve colligationes impietatis solve fasciculos deprimentes"* Nos tante malignitatis audaciam dissimulare nolentes in apostolice sedis contemptum regalis juris dispendium Anglicane gentis opprobrium et grave periculum totius negotii Crucifixi quod ubique immineret nisi per auctoritatem nostram revocarentur omnia que a tanto principe cruce signato taliter sunt

extorta et ipso volente ea servare ex parte Dei omnipotentis patris et filii et spiritus sancti auctoritate quoque apostolorum ejus Petri et Pauli ac nostra de communi fratrum nostrorum consilio compositionem hujusmodi reprobamus penitus et damnamus sub interminatione anathematis prohibentes ne dictus rex eam observare presumat aut barones cum complicitibus suis ipsam exigant observari tam cartam quam obligationes seu cautiones quecumque pro ipsa vel de ipsa sunt facte irritantes penitus et cassantes ut nullo unquam tempore aliquam habeant firmitatem Datum Anagnie nono calendas Septembris pontificatus nostri decimo octavo.
1 Rym. 204. 2 Pryn. 342.

these

*A. D. 1216.
18 Feb.*

these commotions he died unexpectedly on the 19th of October at Newark; from whence his body was carried to Worcester, and there interred.

1 Hen. III.

HIS son Henry the third, being then only nine years old, was on the 28th of the same month crowned at Gloucester by Gualo the pope's legate, in the presence of a few spiritual and temporal lords who adhered to him. Among these the principal was William Mareſcall earl of Pembroke, who was soon after^a made guardian or protector of the king and kingdom, and immediately summoned a great council to meet at Bristol on the 11th of November^o, being the festival of S. Martin. At this council a vast concourse of the prelates, nobility, and others attended; and there the legate absolved them all from their allegiance to prince Louis, and made them swear fealty to king Henry: and the next day, being the 12th of November, the king by the advice of his council renewed the great charter which was granted by his father, with such alterations and amendments as the circumstances of the times had made necessary^b.

^a M. Carte asserts, (2 Hist. 2, 3.) that he did not assume this title till the 29th of November, or thereabouts; but the contrary is evident from the close of the great charter granted at Bristol, (see page 36) wherein he is so stiled on the 12th.

^b 1 Leland. *Collectan.* 535. Ann. Waverl. Rob. Glouc.

^c An authentic account of all these transactions is preserved upon record, in a letter from the king to the chief justiciary of Ireland, of which the following is a faithful copy:

Claus. 1 Hen. III. m. 14. d. et m. 25. d.

Rex G. de Marisc' justiciario suo Hibernie salutem Multiplices vobis gratiarum referimus actiones de bono et fidei servicio vestro felicitis memorie J. quondam regi Anglie patri nostro exhibito nobisque exhibendo et de hiis que per fidelem nostrum Radulfum de Norwic' clericum nobis significastis Cum igitur jubente ipso

cujus famulantur imperio mors et vita dominus et pater noster ex hac luce feliciter migraverit cujus anima in celestibus collocetur vos scire volumus quod celebratis solemniter ex more debito regalibus exequiis in ecclesia beate Marie Wygorn' convenerunt apud Glouc' plures regni nostri magnates episcopi abbates comites et barones qui patri nostro viventi semper assisterunt fideliter et devote et alii quamplurimi ubi in festo apostolorum Simonis et Jude in ecclesia beati Petri Glouc' applaudentibus clero et populo per manus domini G. titulo sancti Martini presbyteri cardinalis et apostolice sedis legati in Anglia et episcoporum tunc presentium invocata spiritus sancti gratia publice fuimus in regem Anglie inuncti et coronati fidelitate et homagio omnium illorum nobis exhibitis Quod vobis ut fidei nostro duximus intimandum ut de honore et successu nostro felici gloriemini Sane cum audierimus indignationem quandam inter memoratum dominum patrem

It is somewhat surprizing that none of our historians, lawyers, or antiquarians should take any notice of this charter; unless we may except M. Tyrrel and M. Prynne, the former of whom seems to have had some imperfect notion that such a one was at this time granted, though he sometimes confounds it with that of king John, and at other times with the second charter granted by this king in the succeeding year¹; and the latter once casually refers by a marginal note² to a great charter granted in the first year of Henry the third. But its existence will not bear a dispute, since it is not only clearly referred to in the record just cited in the notes, but the original itself is luckily preserved in the archives of the cathedral at Durham, from which the following copy is taken³.

patrem nostrum et quosdam nobiles regni nostri exortam utrum cum causa vel sine causa nos nescimus sic agitatam extitisse et illam volumus imperpetuum aboleri et oblivisci quod nunquam menti nostre adhereat et ut cessante causa cesset effectus quicquid extiterit erga ipsum concepte indignationis parati sumus et volumus pro viribus nostris expiare singulis prebendo quod ratio dictaverit cum subditorum consilio et deletis de regno pravis consuetudinibus in libertatum et liberarum consuetudinum innovatione dies nobilium patrum nostrorum reformare gratiosos unicuique tribuendo quod sibi debet cum ratione competere Ad hoc sciatis quod celebrato nuper concilio apud Bristol ubi convenerunt universi Anglie prelati tam episcopi abbates quam priores et multi tam comites quam barones qui etiam universaliter fidelitatem nobis publice facientes concessis eis libertatibus et liberis consuetudinibus ab eis prius postulatis et ipsis approbatis prompti et prout ad mandatum nostrum in partes suas cum gaudio sunt reversi Speramus quidem et in Domino confidimus quod regni nostri status divina faciente clementia in melius commutabitur De domina regina matre nostra vel fratre nostro mittendis in Hiberniam vobis respondemus quod habito consilio fidelium nostrorum et assensu

quod nobis et commodo nostro et regni nostri expedire viderimus faciemus Rogamus igitur dilectionem vestram quatinus et si bone memorie J. patri nostro fideles extiteritis et devoti tanto nobis fideles existere curetis quanto scitis nos auxilio et consilio vestro in hac teneritate nostra plurimum indigere capientes fidelitatem de singulis Hibernie magnatibus et aliis qui nobis ipsam facere tenentur Retinuimus adhuc nobiscum Radulfum de Norwic' ut de hiis et aliis per ipsum voluntatem nostram plenius vobis significemus Volentes ut eisdem vos et ceteri fideles nostri Hibernie gaudeatis libertatibus quas fidelibus nostris de regno Anglie concessimus et illas vobis concedemus et confirmabimus Teste &c.

¹ 2 Tyr. 828, 1103, 1117. Append. 21. 3 Tyr. Append. 17.

² 3 Rec. 94.

³ See page 27. The editor is obliged to doctor Dickens, prebendary of that church, and royal professor of Greek in the university of Oxford, and also to M. Bowlby the chapter-clerk, for their kind assistance in carefully collating his copy with the original at Durham.

A. D. 1216.
1 Hen. III.

THE charter itself is in breadth seventeen inches, and in length from top to bottom somewhat more than sixteen. It has two endorsements upon it: the one, *Magna carta Henrici regis iij*; the other, *Carta Henrici regis de libertatibus concessis hominibus regni suis*. It was sealed, as itself informs us, with the seals of Gualo the legate and William earl of Pembroke; king John's great seal having been lost in passing the washes of Lincolnshire, and no new seal being made for king Henry till two years after¹. The labels remain to which these seals were affixed, but the impressions themselves are unfortunately lost.

THE variations between this and the great charter of king John are very considerable, and may be exactly found by comparing the several sections of each, according to the numeration which the editor has added in the margin². The following are the most remarkable: — in chap. 1, the not mentioning the charter concerning ecclesiastical elections: — in chap. 3, the additions concerning the duration and the right of wardship: — in chap. 5, the indulgence to guardians, by only directing them to deliver up the land to their wards (when of age) in as good condition as they found it, not in as good as it would bear; and the extension of the same rule to the custody of the temporalities of church-preferments: — in chap. 6, the still farther encrease of the power of the lords with respect to the marriage of their wards, by making it no longer ne-

¹ It has not, even in later times, been altogether unusual for the successor to defer for a while the making of a new great seal, and in the interim to use his predecessor's. The editor has met with a patent of Richard Cromwell, dated the 18th of November 1658, (eleven weeks after his protector-

ship commenced) which was sealed with Oliver's seal.

² In this instance, as in the former, the ciphers denote the sections of the charter before us in their own numerical order; the numeral letters distinguish the correspondent sections in king John's charter.

cessary even to apprize their relations of the intended marriage, but only in general prohibiting the disparagement of the heir: — in chap. 7, the farther provisions on behalf of widows claiming dower: — in chap. 9, the putting unwilling debtors upon the same footing, with respect to the remedy of their creditors, with those that are actually insolvent: — and, immediately after, the total omission of three chapters of king John's charter, (x, xi, xii,) concerning debts to Jews, scutages, and aids; also the omission of two others, (xiv, xv,) concerning the manner and reasons of levying such aids and scutages; and of another, (xxv,) concerning the farming of counties, hundreds, &c; and again, of another, (xxvii,) concerning the disposition of intestates estates: — in chap. 21 of king Henry's charter, the fixing a stated time wherein constables keeping castle-guard should pay for the provisions, &c, taken up for their use: — in chap. 23, the reducing to a certainty the hire of carriages taken by the king's purveyors: — the omission of another chapter of king John's charter, (xlii,) concerning the general leave which was therein given to depart from or return to the realm; and of another, (xlv,) concerning the making of judges and other officers out of such only, as were skilled in the law of the land and desirous to observe it; and of another, (xlviii,) concerning the abolition of evil customs relating to forests, warrens, sheriffs, and rivers: — the omission of six more, (xlix, l, li, lii, liii, lv,) concerning the re-delivery of hostages, the sending home the foreign mercenaries, the restitution of such english subjects as had been disseised or eloigned by king John, or his father, or brother, the respite of de-afforesting the new forests, the settling certain disputed wardships of lands and religious houses, and the adjusting certain arbitrary fines and amercements; all which were in some measure of a personal nature, and related principally to king John himself:

*A. D. 1216.
1 Hen. III.*

A. D. 1216.
1 Hen. III.

self: — the omission of three others, (lvii, lviii, lix,) concerning the restitution of the welsh subjects disseised or eloigned by king Henry the second and king Richard the first, the matters of Lewelin prince of Wales, and Alexander king of Scotland; which were temporary clauses, and therefore improper to be renewed: — the omission of three more, (lxi, lxii, lxiii,) concerning the election and powers of the twenty five barons, &c; which was probably occasioned by a conviction how derogatory from the rights of the crown that singular provision was, and how unnecessary to be renewed in regard to a young prince, of whom there was yet no reason to be jealous: — and, lastly, the addition of chap. 42 in king Henry's charter, which first takes notice of almost all the omissions of a general nature above specified, excepting those for which some particular reason has been here assigned, and those relating to intestacy and the making of judges, which are passed over in total silence; and then states the agreement of the prelates and barons to respite these matters of a weighty and dubious nature, till fuller deliberation could be had. This respite may be considered as a kind of an engagement on behalf of the infant king, that these articles should be reviewed, and a new charter granted, whenever the public tranquillity was restored.

As soon as this charter was completed, we find the protector extremely active in inviting the absent nobility to return to their allegiance, with a promise of absolution for what was past^w; since, however the king's father might have offended, the young prince (in whose name those letters were in general issued) was certainly

^w Pat. 1 Hen. III. m. 12. d. extant in 1 Rym. 216, and Harl. MSS. numb. 86.

innocent of any crime *. And on the 6th of February following a duplicate of the same charter was transmitted to Ireland, under the seals of the legate and protector⁷, for the benefit of the king's faithful subjects there; with some few alterations which the local necessities of that island required. The original of this irish charter is not perhaps now extant; but there is an antient entry of it in the red book of the exchequer at Dublin, which M. Tyrrel appears to have been in some degree acquainted with⁸, and of which the various readings are given at the bottom of the page in the following edition⁹.

A. D. 1216.
1 Hen. III.

ON the 23^d of June following writs were issued to the several sheriffs in England, commanding them to cause the charter of liberties to be publickly read in full county-court, and to see that

A. D. 1217.

* — *Licet bone memorie Johannes pater noster in aliquo erga vos deliquerit ipsius delicti debemus esse immunes nec delictum suum aliquatenus nobis debet imputari — Teste comite xviii die Novembris. Pat. 1 Hen. III. m. 16. cited in 1 Brad. Append. 166.*

⁷ Pat. 1 Hen. III. m. 13.

Rex archiepiscopis episcopis abbatibus comitibus baronibus militibus et libere tenentibus et omnibus fidelibus suis per Hiberniam constitutis salutem Fidelitatem vestram in Domino commendantes quam domino patri nostro semper exhibuistis et nobis estis diebus nostris exhibaturi volumus quod in signum fidelitatis vestre tam preclare tam insignis libertatibus regno nostro Anglie a patre et nobis concessis de gratia nostra et dono in regno nostro Hibernie gaudeatis vos et vestri heredes in perpetuum Quas distincte in scriptum redactas de communi consilio omnium fidelium nostrorum vobis mittimus signatas sigillis domini nostri G. apostolice sedis legati et fidelis nostri comitis W. Marefc⁸ rectoris nostri et regni nostri quia sigillum nondum habuimus easdem processu temporis de majori consilio proprio sigillo signaturi Teste apud Gloc⁹ vij die Februarii.

In like manner the charters of 9 Hen. III. were sent to Ireland; as is conjectured from a letter to king Henry by the archbishop of Dublin, (3 Pryn.

64.) which mentions *cartam vestram ad partes Hibernie nuper transmissam in qua non solum ecclesiis et ecclesiasticis viris set omnibus secularibus et mundanis antiquas debitas et consuetas libertates concessistis et confirmastis.* This letter M. Prynne takes to have been written about the 9 Hen. III: yet as it has no date, and *cartam* is here spoken of in the singular number only, it is possible that this may refer to the transmission of the charter now before us.

² 2 Hist. of Engl. 828. 3 Hist. of Engl. Append. 17.

⁸ The copy of this entry was taken and transmitted to the editor by the kind assistance of doctor Lyon prebendary of S. Patrick's, and doctor Fletcher rector of S. Mary's, Dublin. It may seem somewhat singular, that, both in the original at Durham and this entry at Dublin, a blank should be left for the christian names of two of the bishops (of S. David's and Bangor) who were present at the granting of this charter. But as the scribe was probably an Englishman, and the names of the prelates were pure Welsh, Jorwerth being then bishop of S. David's, and Cadwgan bishop of Bangor, (Godw. *de Praesul.* edit. Richardson.) it may in some sort account for the omission.

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A. D. 1217.
1 Hen. III.

the liberties therein contained were firmly observed in their bailiwicks. The inaccuracy with which these writs are entered on the roll might occasion a doubt, (if the contrary were not extremely clear) whether Henry did not also at this time grant a charter of the forest, as well as a great charter of liberties; for they speak, in the beginning, of charters in the plural number, though, toward the end, of only one charter in the singular^b.

IT is not to our purpose to recount the other transactions of this summer, whereof our histories in general are full. We have only to remark, that prince Louis, after a series of ill success, was constrained to make peace with king Henry; and to that purpose a congress was held in a little island of the Thames adjoining to Kingston in Surry on the 11th of September^c. This congress was probably not finished till the 13th, being Holyrood-eve, which Matthew of Westminster and Ralph of Coggeshale have fixed for the time of concluding the treaty. The articles of peace (dated on the 11th of September at Lameth) are extant in the collections of Rymer^d, Dachierie^e, and also of Martene and Durand, whose copy considerably differs from the others; particularly in the insertion of this remarkable article, that prince Louis should restore to the king, among other writings and records, the charters of liberties granted by king John^f. These writings and records had probably been placed in his hands by the discontented barons; nor is it an extra-

^b Claus. 1 Hen. III. m. 10. d.

Rex vicecomiti Wigorn' salutem Precipimus tibi quod die et loco comitatui tui legi facias cartas libertatum quas baronibus et omnibus aliis de regno nostro per commune concilium regni nostri concessimus et quam dominus legatus sigillo suo confirmavit et libertates in carta ipsa contentas omnibus fidelibus nostris firmiter facias observari in balliva tua Quia vero nondum &c. Teste comite apud Certes' xxiij die Junii.

^c Liber de antiqu. leg. London. 38. b.

^d 1 Foed. 221.

^e 20 Sept. apud Lamech. 9 Spicileg. 171.

^f Item dominus Lodovicus reddat domino regi rotulos de scacario, cartas Judeorum, et cartas factas de libertatibus tempore regis Johannis a P. Rumougrend, [perhaps, ad Pratum Runingmed'] et omnia alia scripta de scacario quod habet, bona fide. 1 Thesaur. nov. Anecd. 858.

vagant conjecture to suppose, that the *capitula* of king John's charter were among them, and that, as this transaction was brought to a period at Lambeth, they thence came to be deposited in the archiepiscopal library there.

A. D. 1217.
1 Hen. III.

It is observable that in this treaty, of the 11th of September, there does not appear to have been any oath or engagement on the part of the king to confirm the charter of his father; which most of the monastic writers have stated as a principal part of it, probably confounding this with the ensuing congress which was held on the 23^d. For, the treaty of peace being ratified, the king on the 14th of September granted letters of protection and safeconduct to prince Louis dated at Kingeston^a, and others on the 19th to his adherents dated at Mereton^b, in Surry. At the latter of which places the manuscript chronicle of the city of London^c informs us that a second congress was held on the 23^d of September, at which were present the legate, prince Louis, almost all the nobility of England, the count of Bretagne, and many others of the French; that king Henry there granted to his subjects a new charter of liberties with several additions and improvements, which was then

^a Pat. 1 Hen. III. n. 8. m. 3. printed in 1 Rym. 222.

^b Pat. 1 Hen. III. m. 3. *ibid.*

^c This chronicle is preserved at the townclerk's office in a book entitled *Liber de antiquis legibus*; which (in fol. 38. b.) has the following passage; *A. D. MCCXVII iij idus Septembris facta est pax &c apud Kingston Postea ix kal. Octobris venerunt apud Merton dominus legatus dominus Lodewycus et omnes fere magnates Anglie comes Brit^e et multi alii de Francia ubi est firmata est pax inter ipsos Dominus vero rex Anglie concessit et carta sua confirmavit omnibus liberis hominibus regni sui omnes libertates et liberas consuetudines quas habuerunt tempore predecessorum suorum regum Anglie cum augmentatione aliarum libertatum in predicta carta con-*

tentarum Que quidem carta quia dominus rex nullum proprium sigillum tunc temporis habuit propter minorem etatem sigillata fuit sigillo predicti legati et sigillo Willelmi Marescalli Anglie senioris rectoris predicti regis et regni sui Dicta vero carta postea anno regni predicti regis nono fuit renovata et sigillo suo proprio sigillata Et tunc temporis idem rex fecit eis cartam de foresta per quam multum fuerunt alleviati de gravamine et molestia Nam antea quilibet homo pro una fera capta fuit oculis vel vita privatus qui postea pro tali transgressione fuerunt tantummodo incarcerati et graviter redempti Pro predictis vero cartis dedit universitas regni Anglie tam clerici quam laici dicto regi quintam decimam partem omnium mobilium suorum.

A. D. 1217.
1 Hen. III.

sealed with the seals of the legate and William Mareſcall the elder, but was afterwards renewed and ſealed with the king's own ſeal in the ninth year of his reign; and that at the ſame time the king granted alſo a charter of the foreſt; for which two charters the whole kingdom gave him a fifteenth part of their moveables.

NEW as this account may appear and unnoticed by all our hiſtorians, except very imperfectly by Tyrrel^k, it is however incontestably confirmed by the original charter itſelf now preſerved in the Bodleian library at Oxford; from which the following copy^l is very carefully and exactly printed. This charter is in breadth ſeventeen inches, and in length (including the fold for the label) twenty three. It has the following endorſement on it in a cotemporary hand, *Magna Carta Caps. xiiij de Lanc. te.* which ſeems to have been a mark denoting the capſule or drawer, wherein it was depoſited at the abbey of Glouceſter, to which religious houſe it is thought to have once belonged. In a ſomewhat later but very antient hand it is alſo thus endorſed, *Carta H. regis de libertatibus magne carte H. reg. avi noſtri. Registratur W at.* There ſtill remain affixed to it by parchment labels the ſeals of Gualo the legate and William Mareſcall earl of Pembroke, the former in white wax, the latter in green; both which are exhibited with their ſeveral imperfections in the plate, page 36 and 46^m.

^k 2 Hiſt. of Engl. 828.

^l Page 37.

^m This invaluable piece of antiquity was bequeathed (among others) to the univerſity of Oxford by the late reverend Richard Furney, M. A. archdeacon of Surry. And it were much to be wiſhed that all gentlemen, who are poſſeſſed of ſimilar curioſities, would follow ſo laudable an example, by placing them in ſome public repoſitary. The collecting and hoarding of antiquities, which, when confined to private amuſement and ſelf-fatif-

faction only, are too juſtly the object of ridicule, would then be of ſingular advantage to the public. However, we may congratulate the preſent age on the proſpect there is of ſeeing the paths to theſe hidden treaſures made ſufficiently eaſy and commodious, not only by the immense fund of antient learning which the wiſdom of the legiſlature has amaſſed together and depoſited in the Britiſh Muſeum; but alſo by a plan which has long employed the attention of the noble and honourable truſtees of the Radcliffe library in Oxford, for transferring
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A. D. 1217.
1 Hen. III.

THE variations of this charter from the preceding one, of the 12th of November 1216, will be found in the same manner as before; by comparing the several sections or chapters, which are marked with ciphers in numerical order, with the corresponding sections of the other, referred to by the numeral letters. The principal are these: — in chap. 7, the additional clauses allowing widows to remain in the capital messuage, and to have their estovers, during their quarentine; and fixing their dower in general to be the third part of their husband's lands: — in chap. 13, the omission of assises of *darrein presentment*, the leaving indefinite the number of the knights and the justices of assise, the abolishing the election of the former, and the reducing the times of taking assises to once in every year: — in chap. 14, the total change of the manner of determining such assises as remained undecided beyond the stated time, either by referring them to the justices themselves in other parts of their eyre or circuit, or in cases of difficulty by adjourning them into bank: — in chap. 15, the confining assises of *darrein presentment* to be taken in bank only: — in chap. 16, the distinction between the amercement of the king's villeins and those of other lords: — in chap. 18, the more clear and express definition of ecclesiastical privilege with respect to amercements: — the addi-

to that august edifice, all the MSS which are at present the property of the university, and appropriating it for the future to the reception of MSS only: a design, which will exhibit in one view, and preserve with the utmost security, that inestimable treasure which now lies inconveniently dispersed; will give room for the daily accessions of printed books to the Bodleian library; will perpetuate, by a proper arrangement, the memory of former benefactors to letters, and be the means of exciting new ones; and will in the end do the

highest honour to the name of the munificent founder, by stamping a peculiar and most useful character of its own on that noble structure, which it ever must want if considered only as a supplement to former libraries. How far this plan will be adopted, is not hitherto fully determined; yet it cannot but seem an auspicious omen, that the ample first-fruits of doctor Radcliffe's endowment have been lately applied with the utmost propriety to the purchase of M. Frazer's very curious and numerous collection of oriental MSS.

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A. D. 1217.
1 Hen. III.

tion of chap. 20, concerning the defence or appropriation of rivers: — in chap. 22, the omission of the reasonable parts of the children; unless (as is probable) that omission must be charged to the scribe, and not to the makers of the charter: — in chap. 23, the allowing forty days, instead of three weeks, for the payments to be made by constables keeping castleguard: — in chap. 24, the confining the exemption of knights in the king's army, from the duty of castleguard, to be only in respect of those fees for which they do actual service: — the addition of chap. 26, which privileges the carriages of ecclesiastics, knights, and ladies: — in chap. 34, the distinction between *lex manifesta* and *juramentum*: — in chap. 35, the more ample provision against unlawful disseisins: — in chap. 38, the additional security against the claim of escheats and wardships, by reason of tenure under baronies escheated to the crown: — the omission of the two forest clauses, (xxxvi, xxxviii,) remaining in the former charter of the 12th of November: — the addition of chap. 39 in the present charter, against alienations in prejudice of the services due to superior lords: — in chap. 40, the allowing the custody of vacant abbeys not only to the founders of them, but also to other patrons: — the omission of a clause, (xl,) of the former charter concerning the disseisins of the Welsh: — the total addition of chap. 42, 43, and 44, in the present charter, concerning the holding of county courts, sheriff's tourns, and views of frankpledge, alienations in mortmain, and levying of scutages: — the omission of the respiting clause, (xlii,) in the former charter; provision being made in this and the charter of the forest for the several articles then respited, except the debts to the Jews, and the liberty of passing and repassing into and out of the kingdom: — the addition of chap. 46 in the present charter, containing the general saving of liberties; and, lastly, of chap. 47, containing the very

remarkable provision for demolishing all the adulterine castles built since the commencement of the barons' wars.

A. D. 1227.
2 Hen. III.

WALTER Hemingford in his chronicle, *A. D.* 1224, has given us the two charters of the 9th of Henry the third, with the preamble of that now before us, stating them to be granted by the advice of the legate, the earl of Pembroke, and others: thus confounding the two sets of charters together, which is a species of inaccuracy very frequent in the monkish historians, or in the registers of those abbeys from whence they drew their materials. But there is a much more exact and authentic entry of the great charter now granted, written by a cotemporary hand in a very antient book preserved in the town-clerk's office at London, entitled *Capitula laudum et nobilitatum insule Britannie*^a, but more usually known there by the name of *Liber custumarum et regum antiquorum*. The charter is therein stiled, *Carta regis H. de libertate Angl'*; and its various readings, which appeared on collation with the Oxford original, are inserted at the foot of the page in the following edition.

THERE is unfortunately no date either to the Oxford original, or the entry in the book at Guildhall; and there is the like omission in a very fair copy of it extant in the public library at Cambridge^o; in another very antient one^p in the library of C. C. C. in that university; and in a french translation of the same, in a cotemporary hand^q, in the library of Trinity college there. This raises some uncertainty with regard to the exact time of granting it; and our historians have rather encreased than removed the difficulty. The chronicle of London before cited fixes it to the 23^d of September,

^a fol. 27. b.
^o Ll. 1. 10.

^p D. 1.
^q O. 1. 76.

A. D. 1217.
1 Hen. III.

A. D. 1217: the annals of Waverley tell us that after Michaelmas, *A. D. 1218*, the council met at London, and renewed the charter of king John, under the seals of the legate, William Marescall, and others: Robert of Gloucester also fixes the same year, 1218, for the king's granting the great charter and charter of the forest: and, to complete our suspense, there are extant many antient copies of both the charters, with the following or a nearly similar conclusion; *Dat' per manus venerabilis patris domini R. Dunelmensis episcopi cancellarii nostri apud sanctum Paulum London' sexto die Novembris anno regni nostri secundo*, which was *A. D. 1217*.

IN this state of uncertainty we may be allowed to entertain a conjecture, (for it cannot amount to more) that when the peace was now thoroughly established, the king's ministers, in pursuance of their engagement in the close of the former charter, reconsidered the whole, and granted that now before us under the legate's and protector's seals at Merton on the 23^d of September, in the great council or parliament mentioned by the chronicle of London; for the clause of the adulterine castles is expressly declared in the char-

* *A. D. 1218. Post festum sancti Michaelis convenerunt apud London' sapientes Angliae, et renovaverunt leges et libertates secundum cartam regis Johannis, quam fecerat baronibus, et in modum chirographi scripserunt, et sigillo Gualonis legati, et Simonis archiepiscopi Cantuariensis, et Walteri archiepiscopi Eboracensis, et Willielmi episcopi Londoniensis et Willielmi Marescalli confirmaverunt, donec rex juvenis sigillum cursale habere videretur.*

* In the Bodleian library, three; Marsh. 132. Hatton. 28. NE. F. 2. 4. In the public library at Cambridge, three; Ee. 1. 1. Hh. 3. 11. Ll. 4. 18. In the British Museum, among the Harleian MSS, eight; numb. 493, fol. 42; 746, fol. 59; 867; 869; 946; 1033; 1120; 4975.

In the Inner-Temple library, one; MSS Petyt. 9. None of these have the clause relating to the adulterine castles; which indeed is to be found in one other copy in the Bodleian library, Laud. F. 119, and in another in the Cambridge library, Ee. 2. 19; but both of them are so incorrect in other respects that nothing can be gathered from them with any certainty. For the examination of the MSS (above cited) at Cambridge, the editor is obliged to the very learned and communicative doctor Richardson, master of Emanuel college, and doctor Mason of Trinity college, the Woodwardian professor of fossils: those at Oxford and London were examined by himself.

ter to have been inserted *de communi consilio totius regni nostri**: that in recompense for this, and to assist him in settling the kingdom, the parliament afterwards gave the king a fifteenth of their moveables; which is recited in most of the copies that are dated on the 6th of November, in the same words that are afterwards made use of at the close of the charter of 9 Hen. III: and that the same charter was more solemnly published, and many duplicates thereof distributed to the people, at S. Paul's on the 6th of November, by the hands of Richard de Marisco then bishop of Durham and chancellor". But, as this is entirely guess-work, the editor has avoided affixing any year of the king's reign to this charter: for, if it was granted in September, it was in the close of the first year of Henry the third; if in November, it was then in the beginning of the second, which commenced on the 19th of October. He has therefore rather chosen to distinguish it by the year of our Lord, 1217, in which it must indisputably be placed: for it cannot in any reason be placed earlier than the peace between Henry and Louis, on the 11th of September 1217; nor later than the 22^d of February following, (notwithstanding the authority of the Waverley annalist, and Robert of Gloucester, who are plainly a year behind-hand)

A. D. 1217.
1 Hen. III.

* The assembling of a parliament about this time, wherein the great charter was confirmed, though it has escaped the notice of all our antient historians, (as doubtless many others have done) is farther evidenced by the report of a case determined in Easter term A. D. 1221, 5 Hen. III. wherein the great charter is vouched as a statute or act of parliament. P. 5 Hen. III. *Nota que homo ne fuer mordauncestre apud Westmynster dez terres en auter counte. Ajuge par le court, pur ceo que serra encountre l'estatut de magna carta; si non quod illa assisa semel interminata fuit coram justiciariis.* Fitzh. Abr. part 2. fol. 120. b. tit. mordaunc. pl. 53. The reader will observe, that as this cannot refer to the charter of 9 Hen. III, by reason of it's earlier date, so

neither can it refer to the charter of king John, nor to that of 12 Nov. 1 Hen. III; for in them there was no provision for adjourning assises into bank, if left on account of their difficulty undetermined by the justices of assise; but that clause was first added in the charter of A. D. 1217.

" There is a blank in the close of the charter, page 46, which seems to have arisen from the uncertainty of the secretary how to entitle this instrument; and this may give some countenance to the supposition that the Oxford original was the very first draught of the charter in September, which was afterwards more fully attested and dated in November following.

since

A. D. 1217.
2 Hen. III.

since there are writs of that date upon the rolls directed to all the sheriffs of England, commanding them to publish in full county-court the two charters, and to cause them to be observed in all points; particularly in that which relates to the demolition of the adulterine castles *.

2 Hen. III.

IN these writs, of the 22^d of February 1217, we find the first authentic mention of a separate charter of the forest; which, as was before observed, was now for the first time drawn up: and therefore in the preamble or direction of the great charter the word *forestariis* is now also for the first time omitted, and the few forest-clauses which remained in the charter of the 12th of November 1216, are likewise omitted in this; plainly because the foresters had now a distinct charter of their own. And accordingly we find, in the several manuscript copies below-cited †, a charter of the forest dated the 6th of November, A. D. 1217, almost constantly subjoined to the great charter which bears the same date. Nor indeed is it possible to conceive, as was formerly hinted ‡, that the charter of the forest attributed to king John could be originally made in

* Claus. 2 Hen. III. m. 11. d.

Rex vicecomiti Eborum salutem Mittimus tibi cartas de libertatibus concessis omnibus de regno nostro tam de foresta quam aliis Mandantes quatenus eas plene legi facias publice in pleno comitatu tuo convocatis baronibus militibus et omnibus libere tenentibus ejusdem comitatus qui ibidem jurent fidelitatem nostram Et tu diligenter attendens singula puncta cartarum ea per omnia facias jurari et observari et id maxime quod in fine magne carte appositum est de castris adulterinis que ab initio guerre constructa fuerunt vel reedificata diruendis omni occasione postposita fieri facias secundum quod continetur in eadem carta quia id per consilium domini legati et fidelium nostrorum provisum fuit et in carta positum ad maximam utilitatem et tranquillitatem nostram et regni nostri Quia vero &c. Teste

comite apud Sturminster' xxij die Februarii.

Consimiles littere singulis vicecomitibus Anglie.

M. Tyrrel (2 Hist. of Engl. 837.) has very unaccountably surmised, that the preceding writ contains a direction to rebuild such lawful castles as had been ruined during the civil wars; whereas it is most manifestly the direct reverse. Nor was either the precept itself, or the name of adulterine castles, an unprecedented thing; since we find an article similar to this in the treaty of Wallingford, after the civil wars between the empress Matilda and king Stephen. *Castella adulterina, quae tempore regis a quocunque constructa sunt, diruentur.* (Matth. Paris. A. D. 1153.)

‡ See note (s) immediately preceding.

† See page xxii.

his reign. For in the fifteenth chapter the outlawry of all persons is reversed, who had suffered for offences against the forest before the first coronation of the king; so that those who were outlawed since were left at the mercy of the crown. Now it cannot be believed, that when a remedy was obtained sword in hand from king John, to redress the oppressions that had prevailed in the forest as well as elsewhere during his tyrannical reign, those persons should be excluded from it's operation, who had suffered under those oppressions during the sixteen years next immediately preceding: whereas the provision is fair and reasonable, if we refer it's original to the charter made now by king Henry's ministers, within a year after such his coronation, which happened (we may remember) upon the 28th of October. And this leads us to observe another internal mark, which will nearly fix the first rise of this forest charter; viz. the pardon granted, in chap. 4, of all purprestures, waftes, and affarts, committed in the forest to the beginning of the second year of the king's coronation; which time exactly coincides with the 6th of November *A. D.* 1217, when (according to the supposition before adopted) the charter of the forest was first publickly promulged to the people.

*A. D. 1217.
2 Hen. III.*

THIS original charter of the forest, and all authentic records of it, are at present lost: but that such a one did actually exist we may be assured, not only from the evidence before stated, but also from a writ recorded in the patent rolls, dated the 24th of July following; which directs a perambulation to be made, and the bounds of the forest to be settled, according to the tenor of the charter of forest-liberties which the king had granted*. And in the

A. D. 1218.

* *Pat. 2 Hen. III. p. 2. m. 2.*

Rex &c omnibus vicecomitibus Anglie per quorum ballivas Johannes Mar' capitalis justiciarius de foresta

Anglie transiturus est salutem Precipimus vobis quod statim cum dilectus et fidelis noster Johannes Mar' capitalis justiciarius noster de foresta Anglie transitum fecerit

A. D. 1218.
3 Hen. III.

same year the computed expenses of this perambulation were charged and levied on the several counties concerned^a. In which year also, about the 6th of November^b, a new great seal was made for king Henry, and then began to be used in sealing writs of course; but was forbidden to be put to any thing which might tend to perpetuity, till the king should arrive to full age^c. And cardinal Gualo, whose name has so often occurred in these transactions, left England about three weeks afterwards^d.

A. D. 1222.
7 Hen. III.

WE find no farther mention of the charters for some time; but in the latter end of the year 1222 there happened a circumstance, upon which a considerable stress is laid by Matthew Paris, and those of our historians who (following his authority) suppose that no char-

fecerit per ballivas vestras ad deafforestand' per preceptum nostrum forestas illas que deafforestari debent et separari ab hiis que foreste permanebunt secundum tenorem carte nostre de libertatibus forestarum quas concessimus probis hominibus nostris per regnum nostrum Anglie adhibitis cum unoquoque vestrum in singulis comitatibus quatuor legalibus et discretis militibus qui eligant xij de legalioribus et discretioribus militibus cujuslibet comitatus ad faciend' perambulationem per visum prefati J. Mar' forestarii nostri inter partes illas que deafforestande sunt et illas que foreste permanebunt et metas forestarum et terminos similiter partium deafforestationum distincte et aperte faciatis irrotulari et metas et terminos eosdem irrotulatos et nomina militum qui prefate perambulate faciende interfuerunt nobis sub sigillis vestris et sigillis illorum qui interfuerint inquisitioni faciende transmittatis Teste comite apud Leic' xxiiij die Julii anno &c secundo.

^a *Homines de Dorset et Sumerses C l. pro perambulatione facienda in partes illas in comitatibus de Dorset et Sumersat que deafforestande sunt et illas que foreste remanebunt secundum tenorem carte regis de libertatibus foreste et pro metis et terminis ponendis inter utrasque partes illas et pro deafforestatione partium illarum que deafforestande sunt sicut predictum est secundum metas et terminos predictos. Mag. Rot.*

3 H. III. rot. 14. b. cited in Madox's history of the exchequer, pag. 285. note (g).

^b *Annal. Waverl. A. D. 1218.*

^c *Pat. 3 Hen. III. m. 6.*

Prime littere novi sigilli domini regis de cartis vel litteris patentibus non faciendis Et hic incipit sigillum domini regis currere.

Henricus Dei gratia rex Anglie &c Omnibus has litteras inspecturis salutem Sciatis quod provisum est per commune consilium regni nostri Anglie quod nulla carta nulle littere patentes de confirmatione alienatione venditione vel donatione seu de aliqua re que cedere possit in perpetuitatem sigillentur magno sigillo nostro usque ad etatem nostram completam Testibus Gualone titulo sancti Martini presbiteri cardinalis et apostolice sedis legato domino S. Cant' archiepiscopo domino Waltero Ebor' archiepiscopo Willielmo Marescallo comite Penbr' Huberto de Burgo justiciario nostro Anglie coram W. London' episcopo [et aliis quamplurimis] Provisum est etiam per commune consilium regni nostri et coram predictis omnibus quod si aliqua carta vel alique littere patentes facte secundum aliquam predictarum formarum sigillate inveniuntur predicto sigillo irritae habeantur et inanes Testibus prenominatis et multis aliis.

^d *Ann. Waverl. A. D. 1218. R. Coggesh.*

ter of liberties was hitherto granted by king Henry; as if it were productive of the grant, which was made about two years afterwards. This was the issuing of writs to all the sheriffs in England, to make an enquiry (as he tells us) by the oath of twelve knights in each county, what were the liberties used in England in the reign of king Henry the second: which enquiry he supposes to have arisen from a demand of the prelates and barons, that the young king should confirm the liberties for which the war was begun against his father. But the writs themselves, when inspected*, import nothing less than what he has distorted them to prove; being only a command to enquire what customs and liberties king John, not the people, had enjoyed before the commencement of the barons' wars; which rights of the crown had probably fallen into disuse and oblivion during those intestine commotions.

A. D. 1122.
7 Hen. III.

BUT there was another circumstance, which happened in the succeeding year, and seems of much greater importance: the bulle of pope Honorius the third, which Hubert de Burgh the justiciary had obtained, declaring king Henry of full age in many respects†, though then only in his seventeenth year; and commanding all those who had possession of the king's castles, honors, and lands, to deliver them up to him, upon pain of ecclesiastical censures. What these were, had probably been ascertained by the inquisitions of the preceding year; but the discontents of those barons, who had usurped these possessions of the crown, and were now compelled to restore them, occasioned no small disturbance. They seem to have feared a general resumption even of the liberties conceded by the two sacred charters, now the king was declared of

A. D. 1123.

8 Hen. III.

* *Claus. 7 Hen. III. m. 14. d.* dated the 30th of January, and printed in *Brad. Append.* 168.

† *Matth. Paris. Chron. Dunstapl.*

A. D. 1223.
8 Hen. III.

full age by the papal power; and therefore infused into the minds of the people the necessity there was, that he should now confirm in his majority the liberties which he had granted in his childhood^s.

A. D. 1224.
9 Hen. III.

Accordingly they took an opportunity in the succeeding year, when the king had an urgent occasion for a present supply, to demand a renewal of the charters; which was agreed to and performed in parliament, on the 11th of February, the king being then in the eighteenth year of his age; and a fifteenth was thereupon granted for the recovery of his ducal dominions in France^h.

MATTHEW Paris informs us, that an original great charter under seal was sent to every county in England, and to those which had forests within them a charter of the forest also; notwithstanding which it is surprizing how few of these originals are at present extant. That historian himself, it is plain, had never seen one of them; else he could not have asserted, that they agreed so entirely in every point with the charters of king Johnⁱ; the truth of which assertion a very slight inspection will easily decide. M. Selden, notwithstanding his extensive researches, appears to have been ignorant that any originals of king Henry's charters were in being^k: and the only one referred to by sir Edward Coke^l, as being at Lambeth with the archbishop of Canterbury, was possibly the *capitula* of king John's beforementioned; since no original of Henry the third's has ever yet been produced from thence. Doctor Brady, misled by Matthew Paris, even doubts whether Henry granted any charter in other form than that of Runingmede; and thinks

^s — *Quod rex libertates, prius ab eo puero concessas, jam major factus indulserit.* Chron. Dunstapl. A. D. 1225.

^h Matth. Paris. Chron. Dunstapl. H. Knyghton.

ⁱ *Chartae utrorumque regum in nullo inveniuntur dissimiles.*

^k Titl. of Hon. b. 2. c. 5. §. 21. Not. on Drayt. f. 17. Table-talk. 2058.

^l 2 Inst. proëm.

the great charter, commonly attributed to that prince in our statute books, was properly the charter of Edward the first, or perhaps rather his explication and enlargement of that charter of king John and Henry the third^m: not being aware of the express provision in one of Edward's own statutes, which directs that in all exemplifications of former charters the original shall be faithfully transcribedⁿ. M. Tyrrel tells us^o, that sir Nathaniel Powel (who was king's counsel) had a fair original, which was supposed to have belonged to Battel abbey, and which he himself had seen: but what is now become of this, the editor has not been able to learn. M. Carte speaks^p of two originals, still preserved under seal; one in the church of Norwich, (which enabled, he says, doctor Prideaux to correct sir Edward Coke's mistake in the archbishop of Canterbury's name put to it as one of the witnesses) the other in the church of Durham. But, upon enquiry at the church of Norwich, the editor is assured from unquestionable authority, that there is no such original there, but only a very antient copy^q. That at Durham is indeed an original, of inestimable value; with the great seal still remaining to it, impressed upon green wax, and entirely

A. D. 1225.
9 Hen. III.

^m Introduction. 210, 211.

ⁿ *De verbo ad verbum, sine additione, mutatione, transmutatione, vel aliqua diminutione, scribatur.*
13 Edw. I. st. 6.

^o 2 Hist. of Engl. 1104. 3 Hist. of Eng. Appendix. 17.

^p 2 Hist. of Engl. 29.

^q If the passage in doctor Prideaux, referred to by M. Carte, be that in his Original and Right of Tithes, (p. 268.) as may well be presumed; it will be found that he expressly mentions only "the copy of *magna charta* which we have here at Norwich, in the archives of the cathedral church;" and therein he observes that the archbishop's name is not Boniface, as in the common printed copies, but Stephen. He pretends not to correct sir Edward Coke in particular; to whom not even the

blame of continuing, much less the blame of beginning, this mistake can with justice be imputed; but to the editors of his posthumous work, (2 Inst. 76.) who copied the blunder from our most antient statute books. In those *15*, was at first printed, by mistake of the compositor, instead of *16*; and in subsequent editions the error was extended into *Boniface* at full length, who was not made archbishop till A. D. 1245. But sir Edward Coke himself (in the proeme to his second institute) very accurately reckons, among the witnesses to the great charter, Stephen Langton archbishop of Canterbury. Nor indeed was doctor Prideaux the first corrector of this anachronism; for others, and particularly M. Selden, (Not. on Drayton. f. 16.) had observed it long before him.

perfect,

A. D. 1224.
9 Hen. III.

perfect, as represented in the plates, page 59 and 67, exclusive of the shaded parts'. But the charter from whence the following edition' is taken, (the sheets being corrected by the original as they came from the press) is one with which the editor was favoured by John Talbot, esquire, of Lacock in the county of Wilts; and which, by the misfortune which has happened to that of Durham, now remains a singular curiosity; as being the only fair and perfectly complete original of this date at present known to be extant. It is in breadth twelve inches and three quarters, and in length (including the fold) twenty inches and an half. The seal is of green wax, pendant by a skein of green filk; and is somewhat defaced, as may appear from the plates, page 59 and 67, wherein it's imperfections are shaded. It has the following endorsement on it in a cotemporary hand: *Ex deposito militum Wiltisr'. Henrici regis filii Johannis regis de libertatibus et quibusdam consuetudinibus per Angliam constitutis.* Of which the former part probably signifies, that, as one charter was sent to every county, this was the charter designed for the use of the knights or military tenants of Wiltshire; and it seems to have been deposited for that purpose in the monastery of Lacock by the gallant foundress, Ela countess of Salisbury; whose husband William Lungespee was sheriff of Wiltshire from the fifteenth year of king John till his death in the tenth of Henry the third, (during which period this charter was granted) and she herself executed the same office for the two succeeding years'.

' This charter has been carefully collated for the editor by the two gentlemen beforementioned, doctor Dickens and M. Bowlby; and he has also been favoured with the examination of a very exact copy taken for sir Martin Wright, late one of the justices of the court of king's-bench, under the inspection of doctor Bland, then dean of Durham;

which copy is the more curious and valuable, as since it was taken the charter itself has been in some degree defaced and obliterated, by the unfortunate accident of overturning a bottle of ink.

* pag. 47.

* 1 Dugd. Bar. 175, 177.

A. D. 1222.
9 Hen. III.

NEXT to these originals, the authentic entry of the great charter in the red book of the exchequer at Westminster^a deserves to be particularly taken notice of, which the editor has carefully collated: and next to that the charters of *Inspeximus*, 28 Edw. I; of which there is one under seal in the archives of Oriel college in Oxford, indorsed in a cotemporary hand, *De libertatibus ecclesie Anglicane*; and another in the archives of the collegiate church of Westminster, the seal whereof is lost, but the slit for the label remains. This last is now pasted on cloth for it's better preservation; and till that was done the word "Wilts" was to be seen at the bottom, (according to the information of the reverend M. Wigmore the librarian) which was then unwarily cut off; but at first denoted, it should seem, a like deposit of this exemplification as of M. Talbot's original charter. Both these have been collated by the editor, as have also two enrollments in the tower of London; one in the statute roll, of an *Inspeximus* 25 Edw. I, the other in the charter roll, of the *Inspeximus* 28 Edw. I, beforementioned: and the various readings of all of them are here printed as faithfully as he can presume to warrant in a matter so liable to error and distraction. It has not been thought necessary to remark mere transposition of words, occasioned by the haste of the antient amanuenses; nor every minute singularity in spelling the names of the witnesses, which are in some measure different in every copy extant^v.

^a fol. clxxxiiij.

^v The editor has also been favoured with the collation of a very curious and apparently cotemporary roll, containing both the great charter and that of the forest, of 9 Hen. III; which formerly belonged to the abbey of Hales-Owen in Shropshire, and is now in the possession of the right ho-

nourable the lord Lyttelton. But as the plan of this edition was confined to charters which had passed the great seal, or else to authentic entries and enrollments of record, under neither of which classes lord Lyttelton's roll can be ranked, it's various readings were forced to be omitted.

A. D. 1224.
9 Hen. III.

THE variations of this charter from that of *A. D. 1217*, will be found in the same manner as those of that charter from former ones, by comparing it's several chapters (which are herein distinguished by ciphers according to the vulgar, though sometimes improper, division in our statute books) with the corresponding sections of the charter immediately preceding, pointed out by the numeral letters *. The chief alterations are these: — in the preamble, the insertion of the words *spontanea et bona voluntate nostra*, instead of *consilio Gualonis*, &c; occasioned perhaps by some jealousy, that the king might declare his former charters to have been granted by others, who made use of his name in his minority, and therefore not binding upon himself: — in chap. 18, the insertion of the words *et pueris suis*, omitted (as it seems) by mistake in the preceding charter: — after chap. 37, the transposition of chap. xlv and xlvi of the former charter, for the sake of more regular order: — the omission of chap. xlvii of the same, concerning the adulterine castles; that matter being now probably settled, and the clause considered as temporary only: — the mention of the fifteenth being given as a consideration for the grant of these liberties: — the addition of the king's engagement (taken from chap. 61 of king John's charter) not to procure any thing to be done, which might infringe or weaken the present grant; and the declaring all such to be void: — and, finally, the attestation of this charter by so great

* Thus (in page 55) chap. 31 is also marked with number xxxviii, which shews that §. 31 of the 9 Hen. III. corresponds with §. 38 of the charter *A. D. 1217*; which §. 38 of the charter *A. D. 1217* (in page 44) being also marked with number xxxv, shews it to correspond with §. 35 of the charter 1 Hen. III; and this §. 35 of the charter 1 Hen. III. (in page 34) being also marked with number xliii, it shews that this answers to

§. 43 of king John's charter; and by the same rule it will be found that §. 43 of king John's charter (in page 18) being marked with number xxxvi, corresponds with §. 36 of the preceding articles in page 6: so that, by this method of double numeration, any clause in any of the charters may be traced back, through it's several mutations, to the original draught in Runingmede.

a number of witnesses, both spiritual and temporal lords; whereas none are subjoined to the charter immediately preceding.

A. D. 1224.
9 Hen. III.

THE charter of the forest, which follows next in this edition, is printed from an original in the archives of the cathedral at Durham; the seal whereof, being of green wax, is still perfect, but the body of the charter has been unfortunately gnawn by rats, which has occasioned pretty great mutilations. These are supplied from a cotemporary entry in the leger-book of the chapter, according to the accurate copy transmitted by dean Bland to sir Martin Wright; the insertions being here printed in italic characters. It was judged proper in the present impression to make this the text or standard, because, imperfect as it is, there is no other original charter of the forest now known to be extant. This original has been collated for the editor, by the gentlemen at Durham before-mentioned, with a perfectly complete *Inspeximus* of 28 Edw. I, preserved in the same archives; and by himself with another of the same date belonging to Oriel college; both under the great seal: and he has also collated it with two enrollments in the tower of London; one in the statute roll, of an *Inspeximus* 25 Edw. I, the other in the charter roll, of the *Inspeximus* 28 Edw. I, before-mentioned. Of each of which the various readings are printed at the foot of the page.

It will easily be perceived, that the first chapter of this forest-charter has respect to chap. 53 of king John's; the execution whereof was respited by the first charter of Henry III: — that the second chapter is in a manner transcribed from chap. 44 of king John's, and chap. 36 of 1 Hen. III: — that the third and fourth

INTRODUCTION.

li

A. D. 1224.
9 Hen. III.

chapters are an execution of chap. 47 and part of chap. 53 in king John's, and of chap. 36 in 1 Hen. III: — and that the rest are an amplification and extension of chap. 48 of king John's charter, for abolishing evil customs respecting the forest *.

A. D. 1225.

WHEN these charters were thus renewed, Matthew Paris relates that, about a month after the ensuing Easter, a perambulation was made of the bounds of the forests throughout England, and all the new-made forests were actually de-afforested; all persons, both great and small, being so fond of exerting the liberties which were granted them, that not an iota contained in the king's charter was overlooked.

A. D. 1226.
11 Hen. III.

But, towards the end of the next year, in February 1226, the king, being now in the twentieth year of his age, called a council or parliament to meet at Oxford; and therein, declaring himself of full age to all intents and purposes, took the administration of affairs into his own hands *: which declaration of his was immediately afterwards confirmed and seconded by a bulle of pope

A. D. 1227.

Gregory the ninth, dated the 13th of April 1227, and recorded in the red book of the exchequer ^b. At the same time the king is said to have revoked all the charters of the forest, as being granted when he had no power over himself or his seal; which occasioned great murmurs, and at last menaces from divers of the nobility assembled at Stamford in the ensuing summer, who gave out that unless the king renewed the same without delay, they would compel him with their swords to give them the satisfaction required. But Henry found means, by yielding up some lands which were

* It should not be omitted that in lord Lyttelton's roll, at the end of chap. 14, the following clause occurs; *De boscis autem aliorum nullum detur chuignagium forestariis nostris preterquam de dominicis boscis nostris*. This is not to be found in any of the authentic charters or enrollments which the

editor has had opportunity to consult; but, which is somewhat singular, the same clause is to be met with in that charter of the forest which Matthew Paris has adopted for king John's.

^a Matth. Paris. Matth. Westm.

^b fol. clxxi.

claimed

claimed by the earl of Cornwall their leader, to pacify this opposition without any renewal of the charters^c. And the annals of Waverley, *A. D.* 1232, take notice, that though this was the eighth year since the grant of two charters was purchased by the parliament from king Henry, and though the archbishop and his suffragans, in the presence of the king and his nobles, had pronounced their anathemas against all who should presume to infringe them, yet the yoke of slavery was now heavier than ever, especially with regard to the forest^d.

A. D. 1227.
11 Hen. III.

A. D. 1232.
16 Hen. III.

HOWEVER, about four years afterwards, a parliament being summoned to meet at Westminster on the 20th of January 1236^e, when the government had a necessity for a large supply, the nation took that opportunity to demand a confirmation of the two charters, now the king was undoubtedly of full age. He complied with their request by a charter dated the 28th of January; of which there is an original extant under seal in the Bodleian library among M. Furney's collection, perfectly fair and complete, being six inches and three quarters broad, and nine inches and an half long, including the fold for the label; from whence the following edition^f is taken. There is also an enrollment of the same in the charter roll^g, and a very antient copy of it in the Cottonian library^h; and it is likewise inserted by Hemingford in his chronicleⁱ, subjoined to an *Inspeximus* of the great charter. The parliament, as a proof of their satisfaction upon this concession, granted the king a thirtieth of their moveables^k; whereupon, in May following, he sent

A. D. 1236.
21 Hen. III.

A. D. 1237.

^c Matth. Paris.

^d — *Proh dolor, aggravatum est jam jugum servitutis, et maxime de foresta fit novissimum pejus priori.*

^e Matth. Paris. Matth. Westm. T. Wikes.

^f pag. 68.

^g Cart. 21 Hen. III. m. 7. n. 4.

^h Galb. E. 4. 57.

ⁱ pag. 570.

^k Chron. Dunstapl. Matth. Paris. Ann. Waverl. &c.

A. D. 1237.
21 Hen. III.

the charter to all the sheriffs in England, commanding them by writ to read it in full county court, and cause it to be firmly observed¹.

A. D. 1253.
37 Hen. III.

WE hear nothing farther of the charters till the year 1253; when the king, having occasion for another supply to support his projected expedition into Gasconne and the holy land, summoned a parliament to meet on the 5th of May^m; wherein the laity gave him a scutage of forty shillings upon every knight's fee, and the clergy three years tenths of their ecclesiastical revenues. The latter however complained much of the infractions of the great charter, particularly with regard to the privileges of the church: whereupon the charters were re-publishedⁿ; and the sentence of excommunication, which had before been more privately denounced A. D. 1224 and 1237^o, was again renewed on the 13th of May with very great magnificence and solemnity in Westminster-hall, the king himself and his nobles attending in person. Matthew Paris relates, that at the end of this sentence, when the prelates cast down their tapers extinguished and smoking, with this execration, "so may all that incur this sentence be extinguished and stink in hell," the king immediately subjoined, "so help me God, I will keep all these things inviolate, as I am a man, as I am a christian, as I am a knight, and as I am a king crowned and anointed."

¹ Claus. 21 Hen. III. m. 15.

Mandatum est vicecomiti Cornub' quod carta regis quam fieri fecit archiepiscopis episcopis &c et omnibus aliis de regno suo Anglie de libertatibus et quietanciis eis concessis per aliam cartam regis eis factam dum infra etatem fuit in pleno comitatu suo legi faciat et firmiter teneri T. R. apud Westm' xxvi die Maii.

^m *Quindena Paschae*; (Matth. Paris.) Easter falling that year on the 20th of April. (Dufresne, t. Annus.)

ⁿ Matth. Paris. Ann. Waverl. Hemingford. Trivet. &c.

^o Matth. Paris. T. Wikes. Ann. Burt.

THERE are many copies of this sentence extant; in Matthew Paris, the annals of Burton, Walter Hemingford, Matthew of Westminster, and most of the antient manuscript collections of statutes in our public libraries; no two of which in all points agree. The copy printed in the following edition^p is taken from what seems to be the most authentic extant, a coeval entry in the red book of the exchequer at Westminster^q, which yet is not without it's inaccuracies.

*A. D. 1255.
37 Hen. III.*

THE wording of some part of this sentence is extremely peculiar, and seems artfully calculated to assert all the liberties claimed by the church, whether contained in the charters or not: particularly, the including under this curse even the legislature itself if it makes or hath made any statute, and the judges if they presume to give judgment in consequence of any statute, infringing such ecclesiastical liberties. As, besides the general independence of the civil state which was affected by the popish clergy, this seems to have a special reference to the transactions before, at, and after the parliament of Merton, *A. D.* 1235, in the 20th of Henry the third, concerning the matter of special bastardy, it may not be amiss to look back a few years, and give a short explication of that controversy.

A SPECIAL bastard, that is, one born before marriage of parents who intermarry afterwards, is for very good reasons not admitted to inherit lands by the law of England; but by the roman civil law he was capable of succession^r, and therefore the canon law allowed him to be legitimate with respect to orders and other eccle-

^p pag. 70.
^q fol. ciiiij^{xx}iiij.

^r Inst. I. 10. §. 13.

A. D. 1253.
37 Hen. III.

fiastical matters. In the year 1180, 26 Hen. II, pope Alexander the third took upon him to publish a decretal letter^{*}, directing children thus circumstanced to be admitted to the secular inheritances of their parents, under pain of spiritual censures. Hereupon, as may be collected from Glanvil[†], a question began to be moved, even in the time of Henry the second, how far such child was now made inheritable in England; which he clearly decides in the negative. But as the trial, whether bastard or not, in case of a disputed succession, (being usually a question relating to the marriage of the parents) had hitherto been always had before the bishops, and certified by them to the king's justiciaries, therefore inquisitions of this kind still continued to be sent to their courts. To these the bishops made returns, sometimes evasive and cavilling, sometimes in conformity to the canonical notion of bastardy, though directly contradictory to the law of the land. To remedy which, it was ordained in a parliament held at Tewkesbury, 12 October A. D. 1234, 18 Henry III, that for the future the form of the inquisition directed to the bishop should be to enquire, not "whether bastard or no," but "whether born before nuptials or no;" to which the ordinary should return a plain and categorical answer: that, accordingly as this fact was certified, the king's courts might determine the legitimacy[‡].

* Decretal. IV. 17. 1.

† b. 7. c. 15.

‡ *Die Jovis proxime post festum sancti Dionisii, anno regni Henrici filii regis Johannis xviii, coram ipso domino rege et subscriptis, convocato consilio provisum fuit et concessum quod de caetero cum bastardia objecta fuerit alicui de tali causa in curia domini regis quod bastardus sit, et ideo bastardus quia natus ante sponsalia vel matrimonium contractum inter patrem suum et matrem suam, mittatur loquela ad ordinarium loci et fiat inquisitio per haec verba, utrum videlicet talis natus fuerit ante sponsalia sive matrimonium vel post, et rescribat ordinarius per eadem verba domino*

regi sine aliqua cavellatione. Bracton. b. 5. de exceptionibus. c. 19. §. 2. This passage is here cited according to M. Selden's emendation; not according to the vulgar reading, which instead of *anno regni Henrici filii regis Johannis xviii* has *anno eodem*; and so, by an unwary reference to the preceding context, seems to place this ordinance in the 20th of Hen. III, subsequent to the parliament of Merton; although the proceedings there have an evident relation to something of this kind that had passed before. M. Selden however, (Tit. of Hon. b. 2. c. 5. §. 23.) has produced an original record, which Bracton appears to have almost verbatim

A. D. 1255
37 Hen. III.

THIS cut off all hopes of introducing the canonical doctrine of legitimation into the english law; and therefore at the parliament of Merton, which was held the next year, (23 January A. D. 1235, 20 Henry III) the prelates determined to make one bold effort to carry their point, by openly avowing that they neither would nor could, without derogating from their ecclesiastical dignity, make any return to the king's courts upon the writ of inquisition thus newly altered; because that would be to the prejudice of holy church*. And, as they were thus resolved not to depart from their own law, they requested the temporal lords for the sake of uniformity to consent to the reception of pope Alexander's canon, which legitimated such special bastards even with respect to inheritances: but the nobility rejected their proposal with a spirit that does honour to their memory*.

UPON this refusal of the bishops to answer the king's writ, in open defiance of the laws', the secular judges began to consider, what method was proper to be taken to ascertain the fact of special bastardy, when brought in question before the king's courts. And they soon perceived, that when special bastardy was pleaded in bar of a descent

batim transcribed, (*Placita apud Theokesburiam* 18 Hen. III. d. rot. 15.) excepting only the date of it, which is in the roll according to what is here printed.

* *Nec voluerunt, nec potuerunt, sine prejudicio ecclesiasticae dignitatis, respondere ad breve super hujusmodi inquisitione facienda, &c; quia hoc esset in prejudicium sanctae ecclesiae.* Bracton. *ibid.* §. 1.

* *Stat. Merton, 20 Hen. III. cap. 9.*

Ad breve domini regis de bastardia utrum aliquis natus ante matrimonium habere poterit hereditatem sicut ille qui natus est post responderunt omnes episcopi quod nolunt nec possunt ad istud respondere quia hoc esset contra communem formam ecclesiae. Ac rogaverunt omnes episcopi magnates ut consentirent quod nati ante

matrimonium essent legitimi sicut illi qui nati sunt post matrimonium quantum ad successionem hereditariam quia ecclesia tales habet pro legitimis. Et omnes comites et barones una voce responderunt quod nolunt leges Anglie mutare quae hucusque usitate sunt et approbate.

In some very antient copies of this statute (particularly in MS. Bodl. NE. F. 2. 4.) this clause is immediately subjoined to the foregoing:

Et ideo dominus rex habet consilium suum sub qua forma procedere voluerit ad inquisitionem in curia sua de talibus sic natis.

* *In defectum episcoporum, quia contrarii sunt legibus et consuetudinibus Angliae.* Bracton. *ibid.*

or

A. D. 1253.
37 Hen. III.

or the like, it was not properly a question of a spiritual nature; for the legality of the marriage (which, being supposed a sacrament, was under the bishop's cognizance) was confessed on both sides, and the dispute could only be concerning the priority or posteriority of the birth^a, which was a matter whereof the laity were as competent judges as the clergy. They therefore held that this question might well be determined in the king's courts by jury, without resorting to the ordinary^b: and so it came to be established law^b, that, though general bastardy shall be tried by the bishop's certificate, yet special bastardy shall be tried by a jury^c.

THE bishops, being thus abridged of one branch of their spiritual jurisdiction, were doubtless not a little chagrined at the unex-

^a *Nihil pertinet ad judicem ecclesiasticum cognoscere de prioritate vel posterioritate nativitatibus ejus cui opponitur bastardia, cum sponsalia vel matrimonium hinc inde concessa sint. Bracton. ibid.*

^b Bracton. ibid. Flet. b. 6. c. 39. §. 4.

^c Dyer 79. 2 Inst. 99.

^d The progress of this affair is also very fully and authentically stated in the following entries upon the roll:

Claus. 20 Hen. III. m. 13. d.

Constitutiones facte apud Merton superius inrotulate [yet none such appear upon the roll] scilicet xiiij die Februarii sigillate fuerunt sigillo domini regis transmissæ sunt in Hyberniam ut currant in partibus illis et teneantur sicut in Anglia et de hoc sit mentio in brevi directo justiciario Hybernæ inferius inrotulato.

Henricus Dei gratia rex Angliæ &c venerabili patri L. eadem gratia archiepiscopo Dublin' et dilecto et fidei suo M. filio Geroldi justiciario suo Hibernie salutem Accedens nuper ad curiam nostram Georgius de Laffidell nobis ex parte vestra supplicavit ut vobis scire faceremus quid juris sit secundum consuetudinem Angliæ in casibus subscriptis videlicet cum contingat filium alicujus nobilis natum ex matrimonio movere questionem fratri suo in fornicatione ante matrimonium de eadem matre progenito super paterna hereditate Item si contingat quod frater natus ante matrimonium

defendendo se dicat se esse legitimum utrum in tali casu sit mittendus ad forum ecclesiasticum &c Item si mittendus sit in qua forma &c Ad hec vobis significamus de primo capitulo quod si natus ante matrimonium cui movetur questio cognoscat se natum esse ante matrimonium nec petere potest hereditatem nec petitam retinere secundum Angliæ consuetudinem Nec talis si dicat se natum esse post non est mittendus ad curiam christianitatis eo quod clerus talem habet pro legitimo Cum autem de casu illo anno preterito tractatum esset coram venerabili patre archiepiscopo Cant' et coepiscopis suis et magnatibus nostris Angliæ scilicet utrum inquisitio de tali nato deberet fieri in curia nostra vel in curia christianitatis tandem predictus archiepiscopus et episcopi petierunt sibi dari potestatem inquirendi Postea vero processu temporis quia in forma brevis nostri eis super hoc transmissi contentum fuit quod respondere deberent utrum talis natus esset ante matrimonium vel post videntes hoc esse contrarium legibus suis noluerunt ad hoc respondere et reliquerunt nobis et curie nostre hoc inquirendum et terminandum Et nondum provisum est in curia nostra sub qua forma hoc debeat inquiri vel per sacramentum xii juratorum vel per probationem a partibus producendam Hiis igitur intellectis secundum quod predictum est in partibus vestris faciatis Teste rege apud Mortclac' ix die Maii.

pected turn which this matter had taken, and the loss of that authority which their own obstinate politics had brought upon them: which will afford us the proper key to those obscure and extraordinary clauses in the sentence of excommunication now before us; whereby they tacitly meant to subject to the curse of God the makers of the statutes of Tewkesbury and Merton, as well as the temporal judges who had so far improved upon those statutes, as to establish a new tribunal for deciding this question in exclusion of the spiritual courts. But of this the king, his nobility, and the people, appear to have been well aware; and therefore entered upon the public records^d the remarkable protest, which in the following edition is printed immediately after the sentence^e, as a perpetual memorial what part of it was inserted by general consent, and what otherwise. The pope however by his bulle, on the 21st of September following^f, confirmed this anathema *in totidem verbis*; and it was afterwards made a part of the english canon law by a provincial constitution of archbishop Peckham, *A. D.* 1281, 9 Edw. Ist.

A. D. 1258.
37 Hen. III.

OUR histories and records continue silent in regard to the charters, a few general confirmatory writs and proclamations excepted, till *A. D.* 1264, the forty-ninth of Henry the third; when the king and his son prince Edward were in the custody of Simon Montfort earl of Leiceſter, and in order to obtain the prince's enlargement the king was obliged to ſet his ſeal^h to the charter of the 14th of

A. D. 1264.
49 Hen. III.

^d *Pat.* 37 Hen. III. m. 13. d.

^e pag. 72.

^f *Ann.* Burt. Hemingford.

^g *Lyndewode.* b. 5. t. 17. pag. 354. 2 Wilk. *Concil.* M. B. 57.

^h The king, about five years before, (having renounced his title to Normandy, Anjou, &c, in favour of the king of France, for a present of

300000*l.*) had changed his great ſeal, both in point of device and of legend; uſing a ſceptre with a dove inſtead of a ſword for the ornament of his right hand, and abridging his ſtile by the omiſſion of the words, *Dux Normannie et comes Andegavie*, as appears in the plate page 78. (*Sandford's geneal. Hiſtor.* 90. *Walfingh. Upod. Neuſtr. Trivet.*)

March,

A. D. 1264.
49 Hen. III.

March, which is published from the original record¹ in the ensuing collection². There is an antient manuscript in the Cottonian library, not only of this charter, but also of a similar one sealed by prince Edward at London on the 10th of March preceding; (at which time and place he was set at liberty¹) and between them an *Inspeximus* and confirmation of the great charter dated the same 14th of March². A copy also of this last *Inspeximus* and confirmation (comprizing both the charters) is to be met with in the Harleian library³, dated the 13th of March, and witnessed by nine bishops, Simon Montfort earl of Leicester, Hugh le Despenser the chief justiciary, and fifteen other temporal barons.

THE most observable part of the new charter here printed, besides it's confirmation of the two charters, (which alone would entitle it to a place in this collection) is the clause giving liberty to the king's subjects to rise against and distrein him to the utmost of their power, notwithstanding the allegiance which they owed him, in case he should transgress the conditions therein agreed on. This seems to be plainly copied from king John's great charter, chapter 61, with some alterations; particularly in that here there is no exception in respect of the safety of the king's royal person and family. And yet in both these cases, the instant they got out of the hands of their respective enemies, neither father nor son paid any regard to concessions thus compulsively extorted. So impracticable is the attempt to restrain even limited monarchs by any express provisions, which argue a degree of distrust inconsistent with monarchy itself.

¹ Cart. 49 Hen. III. m. 4.

² pag. 74.

³ Pat. 49 Hen. III. m. 91. in 1 Brad. Append. 243.

⁴ Claud. D. 2. fol. 137, &c.

⁵ numb. 489.

THERE

THERE occurs nothing farther worth considering, in relation to the charters, during the reign of this unfortunate prince; except the general provision for their observance in the fifth chapter of the statute made at Marleberge, the 18th of November *A. D.* 1267, which is printed in the following collection^o, but needs no comment or historical illustration.

*A. D. 1267.
52 Hen. III.*

HENRY the third died the 16th of November *A. D.* 1272, and was succeeded by his son Edward the first, a prince of a very different character; in whose reign, glorious as it was to himself and advantageous to his people in general, we find little mention of the charters, till the year 1297. The king then meditating an expedition into Flanders, the earl of Hereford lord high constable and the earl of Norfolk earl marshal refused to attend him in person, according to the duty of their stations, for which they were suspended from their offices. This occasioned them to raise a very formidable opposition to his measures, and to publish a kind of manifesto in the name of the prelates and barons, complaining among other things of the neglect into which the two charters of liberties had fallen^p. King Edward, alarmed at their proceedings, seems to have privately engaged to renew and confirm the charters on the usual condition of a supply: for archbishop Winchelsey on the 16th of July summoned the synod of his province to meet on the 10th of August, in order to consider of such renovation^q; but the clergy then declined granting any thing till the leave of the pope should be obtained. Whereupon the king upon the 12th of August published an answer to the manifesto of the earls, dated at

*A. D. 1297.
25 Edw. I.*

^o pag. 79; from the Cotton MS, *Claud. D. 2.*
^p Knyghton. Walsingham.

^q 2 Wilk. *Concil. M. B.* 226.

A. D. 1297.
25 Edw. I.

Odymere near Winchelsey, which he sent to all the sheriffs in England; promising (among other things) to confirm at his return from Flanders the two charters, if the people would grant him an aid to supply his present necessities: and soon after, on the 22^d of August, he embarked for the continent; leaving his son prince Edward, then only thirteen years old, regent of the realm in his absence.

A PARLIAMENT was soon after called, to meet on the 6th of October; mention being made in the writs of summons, that the purpose of the meeting was principally to confirm the two charters, and to grant a security that the late levy of an eighth (which in many of its circumstances was illegal) should not be made a precedent, nor in any other shape should turn to the prejudice of the kingdom. At this parliament, on the 10th of October, the prince passed the statute usually called *Confirmatio cartarum*, in the name of his father, and in the form of a charter. This is entered on record at the tower, and differs in nothing material from the copy

¹ Pat. 25 Edw. I. p. 2. m. 7. printed in 2 Brad. Append. 20.

² Rym. 791.

³ Claus. 25 Edw. I. m. 6. d. in 2 Rym. 793, and 3 Pryn. 736.

Edwardus Dei gratia rex Anglie dominus Hibernie et dux Aquitanie vicecomiti Bed^e et Buks^e salutem Quia in relevationem omnium incolarum et populi regni nostri pro octava omnium bonorum singulorum laicorum per totum idem regnum pro urgentissima nunc dicti regni contra Gallicos necessitate levanda concessimus pro nobis et heredibus nostris confirmare et firmiter teneri facere magnam cartam de libertatibus Anglie et cartam de libertatibus foreste et concedere omnibus et singulis ejusdem regni litteras nostras patentes quod dicte octave levatio non cedet eisdem in prejudicium servitutem exheredationem usum vel consuetudinem in futurum Tibi precipimus firmiter injungentes quod

sine dilatione aliqua quatuor de probioribus et legalioribus militibus comitatum tuorum videlicet de quolibet comitatu duos eligi et eos plenam potestatem pro ipsis et tota communitate dictorum comitatum habentes ad Edwardum filium nostrum carissimum tenentem in Anglia locum nostrum venire facias ita quod sint London^e ad eundem filium nostrum modis omnibus in octabis sancti Michaelis proximo futuri ad ultimum cartas super confirmatione nostra cartarum predictarum et litteras nostras super dicta concessione pro ipsa communitate in forma predicta recepturi et facturi ulterius quod per dictum filium et consilium nostrum ibidem fuerit ordinatum Et hoc nullo modo omittatis Et habeas ibi hoc breve Teste Edwardo filio nostro apud sanctum Paulum London^e xv die Septembris anno regni nostri xxv.

⁴ Stat. 25 Edw. I. m. 38.

which is printed in the following edition, save only in the attestation, which runs thus; *Tesmoigne Edward nostre fitz a Londres le disme jour de Octobre lan de nostre regne vintisme quynt.* He also on the same day granted a pardon to the constable and earl mareſcall, together with John de Ferrers and all others who had refused to go into Flanders, in two instruments; one sealed with his own seal, the other with the seals of his council^w; and engaged to procure the king his father's ratification of both the charter of confirmation and that of pardon: upon which condition the two earls declared that they would support him to the utmost of their power not only in Flanders, but in Scotland; for in the latter a formidable force was now assembled under the command of William Waleys, which had defeated the king's army on the 11th of September preceding^x. On the 12th of October the great charter and charter of the forest were both of them recited and confirmed by *Inspeximus*, tested in the name of prince Edward; the various readings of which exemplification are given in the following edition^y. And for these important concessions the clergy of the province of Canterbury gave a tenth, and those of York a fifth of their annual revenue, and the laity a ninth of their moveables^z.

As soon as the assembly broke up, the prince and his council sent over to the king in Flanders a copy of the charter of confirmation so granted in parliament, and also of the pardon to the two great earls and their adherents. The king, after some days deliberation, assented to both; and at Ghent on the 5th of November affixed his great seal to the respective instruments, as is witnessed

^w Regist. Winchelsey. 227, 228. cited in
^z Brad. 60.
^x Knyghton.

^y pag. 47 and 60.
^z Knyghton. Hemingford.

INTRODUCTION.

lxiii

A. D. 1297.
25 Edw. I.

in regard to the *Confirmatio cartarum* by this memorandum inserted in the record immediately after that enrollment: *E fet a remembrer qe meisme ceste chartre futh meismes les paroles de mot en mot fust sele en Flaundres de futh le grant seal le roy cest asaver a Gaunt le quint jour de Novembre lan del regne lavantdit nostre seigneur le roy vintisme quint e envee en Engleterre.* This original charter of king Edward is still extant among the Cotton charters in the British Museum^a, being sixteen inches and a quarter broad, and six inches and a quarter in length including the fold for the label; part of which, being of parchment, is still remaining, but the seal is entirely gone. It was considerably shrivelled by the fire A. D. 1731; but, as the whole is still legible, though in some parts with difficulty, it was judged proper to take the following copy^b from this the most authentic original.

THIS charter not only re-establishes the two charters of king Henry, but provides for their effectual publication; and particularly directs the great charter to be allowed in all points as the common law of the land. It declares all judgments contrary to them to be utterly void; and ordains them to be read twice a year in all cathedrals, and sentence of excommunication to be as often denounced against all that endeavour to infringe them. At the end it is provided, that such aids as had been given to the king in times of public necessity, in whatever manner they were raised, should not be drawn into a precedent; and that no such manner of aids should be taken for the future, unless by the common assent of the whole realm; with an exception to those which were antiently due and accustomed. A release is also subjoined of the new tax of forty

^a Locul. 7. num. 9.

^b pag. 80.

shillings

shillings on every wool-sack exported, which had been irregularly granted, and therefore illegally taken, in the preceding year^c, instead of the tax of one noble, granted to the king *A.D.* 1275^d: which imposition was commonly known by the name of the *male-toute*^e.

A.D. 1297.
25 *Edw.* I.

THE king's pardon to the earls and their adherents is entered on record, immediately after prince Edward's charter of confirmation, and the memorandum thereunto subjoined; of which an exact copy will be found in the notes^f. And, soon after the transmission of both into England, the two earls with the rest of the nobility assembled at York, on the 20th of January; where the old charters and

26 *Edw.* I.

^c Hemingford. *A.D.* 1296.

^d Trivet. Walsingham. *A.D.* 1298. *Pat.* 3 *Edw.* I. m. 1. *Fin.* 3 *Edw.* I. m. 24. cited in 2 *Inst.* 59. 4 *Inst.* 29.

^e The expression *male-toute* or *mala tolta* occurs very frequently in the writers of those times, both here and on the continent. We have it in chap. 30 of the great charter 9 Hen. III, and the correspondent sections of those which preceded it. Dufresne thus explains it; *mala tolta, res injuste ablata, seu (ut tunc loquebantur) tolta vel tulta.* Gloss. t. *Tolta mala.*

^f Stat. 25 *Edw.* I. m. 38.

Edward par la grace de Dieu roy d'Engleterre seigneur d'Irlande & ducs d'Aquitaine a toutz ceux qui cestes presentes lettres verront ou orront salut Sachiez que come de par nos amez & feaux Humfrey de Bohun conte de Hereford & de Essex et constable d'Engleterre & Roger Bygod conte de Norff & mareschal d'Engleterre nous seit fet entendaunt qil se doubterent que nous eussions conceu vers eux rancour et indignation pur aucunes desobeissances qil avoient fetes ne ad geres a ceo que hom disoit en ce qil ne vindrent pas a nous a nostre commandement & a ce que hom disoit qil avoient aucuns de nos comandementz desturbez & targez & aucunes aliances & assemblees des gentz darmes faites contre nostre volunte et deffense Nous regardantz que des choses avantdites null meffait nest per

eus sui uncore coment que paroles eent este dites a la requeste et priere speciale de Edward nostre chier fuiz & nostre lieutenant en Engleterre et des honorables peres Willame evesq de Ely William evesq de Ba & de Welles Richard evesq de Londr Wauter evesq de Coventr & de Lychefeld & Henry elit Everwyk & des nos amez & feaux Edmond conte de Cornuwall Johan de Garenne conte de Surreye et de Suffex Willame de Beauchamp conte de Warrewyk et des autres de nostre conseil demorantz en Engleterre pres de lavantdit nostre fuiz releiffons & pardonons pleinement as ditz contes et a Johan de Ferrers & a toutz leur menengs & toutz leur aliez tote manere de rancour et de indignation qui nous avoms conceu vers eus si nule ensoit per les encheisons avantdites ou nule de eles Issint que nul de ditz contes ne Johan de Ferrers ne nul de leur menengs ne de leur aliez avantditz ne soient chalengez encheisonnez ne grevez pas nous ne par nos heirs en nul temps pur nule des choses avantdites E ausi pardonons et releiffons a toutz autres de nostre royaume qui furent somonz ou priez de passer ovesqe nous et ne passerent totes maneres de rancour et de indignation si nule eussions conceu vers eus per cele encheison En tesmoignance des queux choses nous avoms fait faire cestes nos lettres overtes Donoes a Gaunt le quint jour de Novembr lan de nostre regne vintisme quint.

A. D. 1297.
26 Edw. I.

new articles were solemnly read to the whole commons, and the bishop of Carlisle denounced sentence of excommunication against all who should infringe them^e.

MUCH doubt has been raised, whether what is usually printed in our statute-books, under the name of *Statutum de tallagio non concedendo*^h, was really a separate thing from this confirmation enacted in the parliament at London, and afterwards confirmed at Ghent; or whether it was only an abstract of it in another language. It is certainly very similar in its contents to that confirmation and the subsequent charter of pardon; except that it is shorter, and that in this there is a signal omission of the restrictive word *tieu*, or *such*, in the clause relating to aids, and also as signal an omission of the

^e Hemingford. A. D. 1297.

^h Of this Hemingford has given us the most intelligible copy of any extant; that printed in our statute books being in some parts so mutilated, as totally to obscure the sense. His is as follows:

Nullum tallagium vel auxilium per nos vel heredes nostros de cetero in regno nostro imponatur seu levetur sine voluntate et assensu communi archiepiscoporum episcoporum et aliorum prelatorum comitum baronum militum burgensium et aliorum liberorum hominum in regno nostro Nullus minister noster vel heredum nostrorum capiat blada lanas coria aut aliqua alia bona cujuscunque sine voluntate et assensu illius cujus fuerint hujusmodi bona Nichil capiatur de cetero nomine vel occasione male tolte de sacco lane Volumus etiam et concedimus pro nobis et heredibus nostris quod omnes clerici et layci de regno nostro habeant omnes leges libertates et liberas consuetudines suas ita libere et integre sicut eas aliquo tempore plenius et melius habere consueverunt Et si contra illas vel quemcunque articulum in presenti carta contentum statuta fuerint edita per nos vel per antecessores nostros vel consuetudines introducte volumus et concedimus quod hujusmodi consuetudines et statuta vacua et nulla sint in perpetuum Remissimus etiam Humfrido de Bown comiti Hereford et Essex constabulario Anglie Rogero Bygot comiti Norff marescallo

Anglie et aliis comitibus baronibus militibus armigeris Johanni de Ferrariis ac omnibus aliis de eorum societate confederacione et concordia existentibus necnon omnibus xxi libratas terre tenentibus in regno nostro sive de nobis in capite sive de alio quocunque qui ad transfretandum nobiscum in Flandriam certo die notato vocati fuerunt et non venerunt rancorem nostrum et malam voluntatem quam ex causis predictis erga eos habuimus Et etiam transgressionem si quas nobis vel nostris fecerint usque ad presentis carte confeccionem Et ad majorem hujus rei securitatem volumus et concedimus pro nobis et heredibus nostris quod omnes archiepiscopi et episcopi Anglie in perpetuum in suis cathedralibus ecclesiis habita presenti carta et lecta excommunicent publice et in singulis parochialibus ecclesiis suarum dioces excommunicare seu excommunicatos denunciare faciant bis in anno omnes qui contra tenorem presentis carte vim et effectum in quocunque articulo scienter fecerint aut fieri procuraverint quoquomodo In cujus rei testimonium presenti carte sigillum nostrum est appensum una cum sigillis archiepiscoporum episcoporum comitum baronum et aliorum qui sponte juraverunt quod tenorem presentis carte quatenus in eis est in omnibus et singulis articulis observabunt et ad ejus observacionem consilium suum et auxilium fidele prestabunt in perpetuum.

saving in respect of the antient aids which were formerly due and accustomed: which omissions leave the prohibition of imposing and raising any taxes or aids without the universal consent of the realm entirely general and absolute. This matter was very learnedly debated in M. Hampden's great case relating to shipmoney, *A. D.* 1637¹; when the judges determined it to be a separate act of parliament, principally because it was recited as such about nine years before, in the preamble to the petition of right^k. And their determination seems to be just, for this was certainly sufficient to give it for the future the binding force of a statute in point of law; though it hardly will be allowed as a conclusive proof of a disputed fact in point of history.

A. D. 1297.
26 *Edw. I.*

To say the truth, there seem to be strong reasons for supposing it only a kind of abstract or translation by a cotemporary hand; which probably was inserted at the end of the great charter in the register of some monasteries, whence it was transcribed by Trivet and Hemingford, who are copied by Knyghton and Walsingham. For it cannot be of so late a date as the 34th of *Edw. I.*, wherein our statute-books and sir Edward Coke¹ have placed it; since Humfrey Bohun earl of Hereford, whose pardon is therein granted, died the 31st of December in the year 1298, 27 *Edw. I.*^m: nay, all the old historians who insert it suppose it to have been granted by the king in Flanders in the latter end of the year 1297, when the similar french charters here printed were indisputably sealed; of which, and which only, Matthew of Westminster takes notice. It is not to be found upon any authentic roll or record of the years 1297 or 1298, nor elsewhere; not that the statute roll of that

¹ 1 *State-Trials.* 510, 536, 551, &c.

^k *Ibid.* 595, 607, 628.

¹ 2 *Inft.* 532.

^m 1 *Dugd. Monast.* 447.

A. D. 1297.
26 Edw. I.

time is lost, but no entry of such statute in latin appears thereonⁿ. The first time it occurs in print, to the editor's knowlege, is in the *Secunda pars veterum statutorum*, printed by Thomas Berthelet A. D. 1532^o; for it is taken no notice of in the old abridgment of the statutes, which was printed about the reign of Edward the fourth by Lettou and Machlinia, and was probably compiled somewhat earlier, as the latest statute therein abridged is 33 Hen. VI. chap. 13^p. And yet that abridgment has an abstract of the statute *de confirmatione cartarum*, alias dict' *superaddicio cartarum*, wherein the emphatical word *tieu* is left out^q: which shews that not quite so much stress was laid upon it antiently, as at the time of M. Hampden's trial. And with regard to the omission of the saving clause, (which must certainly be understood to relate to the antient feodal aids, *pur file marier*, *pur faire fitz chivalier*, &c,) we may observe that, notwithstanding this supposed statute which is construed by such omission to have abridged them all, king Edward himself in the year 1306 imposed an aid on his subjects for knight- ing his eldest son; and in the writs of summons to the parliament, which he held to consult about the manner of levying it, he expressly claims it to be due in right of his crown^r. In like manner the saving in the *Confirmatio cartarum* of the customs on wool, skins, and leather, before granted, is omitted in the supposed statute *de tallagio*; and yet there is no doubt but that these were hereditary in the crown for ages after Edward the first^s. Wherefore it seems upon the whole that there is great reason to question the au-

ⁿ 3 Pryn. 742.

^o fol. 39.

^p Under title *Laborers*.

^q Under title *Taxes*. — *qe pur null besoigne null manere dez aidez myssez ne prisez de nostre roialme ne prendrons forsqe par commune assent de tout le roialme*

savez les aunciens aidez duez & custumez.

^r *De jure corone in hujusmodi casu auxilium fieri nobis debet. Claus. 34 Edw. I. m. 15. d. cedula.* printed in 2 Rym. 986, 987.

^s Dyer. 43. 165. 2 Inst. 59.

thenticity of this dubious act of parliament, otherwise than as a contemporary latin abstract of the two french charters, intended (however imperfectly executed) to express the self-same meaning in another language.

*A. D. 1297.
26 Edw. I.*

HOWEVER, notwithstanding the security thus given, the two earls seem still to have retained their suspicions of the king's sincerity; and therefore at Carlisle, about Whitfontide *A. D. 1298*, they demanded that the king should renew his confirmation of the charters at home; lest, as the former was sealed in a foreign country, a pretence should be thence formed for breaking through it: and they also insisted, that a perambulation should be appointed to settle the boundaries of the forest. Both these the king's friends engaged should be done on his return from the expedition into Scotland: and accordingly he confirmed the charters in a parliament holden the 8th of March, being the first Sunday in the lent following, at London, with a saving of the rights of his crown; and directed writs to the several sheriffs, on the 26th of March and 2^d of April, reciting all the articles of the forest charter *verbatim*, (the five first chapters relating to the deafforestations excepted) commanding those articles and the great charter in all points to be observed, and promising that a perambulation should be had, as soon as his affairs were settled at the court of Rome. These related to the pope's award between him and king Philip of France; and were so arduous, he said, as entirely to employ his attention, since they affected himself, his whole realm, and all christendom. But, finding the people discontented at this partial and reserved

A. D. 1298.

27 Edw. I.

A. D. 1299.

* Hemingf. Walsingh.

† Claus. 27 Edw. I. m. 18. d.

‡ Hemingf. Walsingh. Trivet. Matth. Westm.

* Claus. 27 Edw. I. m. 17. d. Stat. 27 Edw. I. m. 37. printed in 3 Pryn. 842, 843, 844.

confirmation,

A. D. 1259.
27 Edw. I.

confirmation, he is said to have at length confirmed the two charters, absolutely and without any restriction, in another parliament holden about the beginning of the ensuing May^r.

THE people, notwithstanding, being dissatisfied that these confirmations were hitherto only verbal, while the promised perambulation was delayed, (without which it was impracticable to deafforest the former encroachments) the king issued writs in the french or vulgar tongue, dated the 25th of June; complaining that he was too hardly pressed; declaring the reasons of his delay through the great and urgent business in which he was necessarily engaged, which would be finished in the middle of July; observing that it would be inconvenient to the public to set about the perambulation in the time of harvest; but promising that the perambulators should rendezvous at Northampton by Michaelmas day at farthest; and therefore requesting the people not to believe any malicious reports to the contrary, which were only calculated to sow strife and debate between the king and his subjects. These writs were sent to every sheriff in England, inclosed in another in latin, commanding him to publish them in every city, borough, market-town, and other place of public resort^r.

23 Edw. I.

IN the next spring, at another parliament holden at London on the 6th of March, the two charters were again confirmed by the statute called *Articuli super cartas*; wherein it was provided that three knights or principal freeholders should be elected in every county, who, or any two of them, were empowered to see the charters duly executed, and to punish offenders against them by

^r 2 Brad. 65. Trivet. Hemingf. Walsingh.

^z *Bundel. brev. 27 Edw. I.* printed in 3 Pryn. 810.

imprisonment, ransom, and amercement: for which purpose writs were issued on the 27th of March to every county in England, commanding them to proceed to such election^a. Many additional liberties were also granted by this statute, extending the whole to the number of twenty chapters; which, bearing little or no relation to those which were before granted in the two charters, are not comprized in the ensuing collection; wherein the first part, which alone has respect to the charters, is printed from the statute-roll in the tower of London^b.

*A. D. 1300,
28 Edw. I.*

IN this there is a direction, that the charters shall be sent to the sheriffs of every county under the king's seal, and be read in full county court four times in every year. In order to which the charters of *Inspeximus*, 28 March *A. D.* 1300, 28 Edw. I, were made; of which some still remain at Durham, Westminster, and Oriel college, and they are also upon record at the tower; from whence the various readings are taken which are subjoined to each charter respectively^c. And writs of the same date, for that purpose, were sent with them to every sheriff in England^d; as likewise on the 15th of April were other writs, for proclaiming the new articles superadded by this parliament to the charters^e.

MEANTIME there is reason to suppose, that the perambulators of the forest met at Northampton about Michaelmas in the year preceding, and there settled their plan of operations for the ensuing spring; for on the 1st of April the king issued writs to them re-

^a *Claus.* 28 *Edw. I.* m. 11. d. printed in 3 Pryn. 848.

^b *Stat.* 28 *Edw. I.* m. 35. See pag. 83.

^c pag. 47 and 60.

^d *Claus.* 28 *Edw. I.* m. 8. d. printed in 3 Pryn. 848.

^e *Claus.* 28 *Edw. I.* m. 7. d. printed in 3 Pryn. 848. 2 Rym. 863.

spectively

A. D. 1300.
28 Edw. I.

spectively to begin the perambulation in all the forest-counties^f: and on the 10th of May he granted commissions to the knights elected in pursuance of the *Articuli super cartas*; appointing them his justices, and arming them with proper powers for the due execution of the two charters, and of the statute of Winchester, which was passed in the thirteenth year of his reign and now newly re-published^g.

THE perambulations being finished in the summer, king Edward on the 26th of September issued writs of summons^h for a par-

^f Claus. 28 Edw. I. m. 8. d. printed in 3 Pryn. 849.

Rex dilecto et fidei suo Rogero de Brabazon salutem Cum assignavimus vos una cum quibusdam aliis fidelibus nostris ad perambulationem in forestis nostris infra comitatus nostros Salop' &c faciendam Vobis mandamus quod sitis Lichfeld' in crastino ascensionis Domini proximo futuro parati exinde cum dictis fidelibus nostris proficisci ad perambulationem illam faciendam quibus mandavimus quod tunc ad hoc faciendum modis omnibus personaliter sint ibidem Et hoc nullo modo omittatis ita quod per vestrum defectum expeditio dicti negotii infecta non remaneat quoquo modo Teste rege apud Westm' primo die Aprilis.

^g Pat. 28 Edw. I. m. 14. printed in 3 Pryn. 850, &c.

^h Claus. 28 Edw. I. m. 3. d.

Rex vicecomiti Cumb' salutem Cum nuper pro communi utilitate populi regni nostri concessimus quod carta de foresta in singulis suis articulis firmiter observaretur assignando quosdam de fidelibus nostris in singulis comitatibus ejusdem regni in quibus foreste nostre existant ad perambulationem in eisdem forestis faciendam ita quod perambulationem illam distincte et aperte factam ad nos antequam aliqua executio vel aliquid aliud inde fieret reportarent et quod juramentum nostrum jus corone Anglie rationes et calumpnie nostre nec [non] jus rationes et calumpnie aliorum omnia salva forent Nos licet dilecti fideles nostri nunc primo ad nos detulerunt quod fecerunt in negotio memorato quia tamen prelati comites barones et ceteri magnates dicti regni (in quorum presenciam nostras et aliorum proponi et audiri volumus rationes et de quorum consilio in eo-

dem negotio prout alias diximus intendimus operari maxime cum ipsi ad observand' et manutenend' jura regni ac corone predictae una nobiscum juramenti vinculo sunt astricti) juxta latus nostrum tunc temporis non fuerunt ac pro eo similiter quod illi qui suas rationes quatenus illud negotium illos tangit proponere debeant inde premuniti non erant eidem negotio sine ipsorum consilio finem imponere non potuimus bono modo Et quia negocium illud quantum possumus cupimus maturari ita quod per nos non fiet absque ulterioris dilationis incommodo [quin] effectum debitum sortiatur volentes cum prelati comitibus baronibus et magnatibus supradictis ac aliis de communitate dicti regni super hoc et quibusdam aliis arduis negotiis nos et statum regni predicti tangentibus habere colloquium et tractatum Tibi precipimus quod firmiter injungendo quod venire facias coram nobis ad parlamentum nostrum apud Linc' in octabis sancti Hillarii proximo futur' duos milites de balliva tua illos videlicet qui pro communitate comitatus predicti ad parlamentum nostrum ultimo preteritum per preceptum nostrum venerunt et etiam de qualibet civitate infra ballivam tuam eosdem cives et de quolibet burgo eosdem burgenses qui ad predictum parlamentum nostrum alias sic venerunt Et si forte aliquis militum civium vel burgensium predictorum mortuus fuerit aut infirmus per quod ad dictos diem et locum venire nequiverit tunc loco illius mortui aut infirmi unum alium idoneum ad hoc eligi et ad dictum parlamentum nostrum venire facias ita quod milites cives et burgenses predicti dictis diei et loco modis omnibus interfint cum plena potestate audiendi et faciendi ea que ibidem in premissis negotiis ordinari continget pro communi commodo dicti regni Et eisdem militibus de communitate

liament to meet on the 20th of January at Lincoln, to receive the report of the commissioners; in which he directs the members of the last parliament, if living and capable of that service, to be returned, and notice to be given in the several forest-counties, for all persons concerned to appear at the same time and place, and shew cause (if they had any) why the perambulations should not be confirmed. In consequence whereof it appears, that the several perambulations which had been made before the king's justices, by the oath of a jury, and in the presence of the foresters and verderors, were in that parliament examined and finally approved. And the commonalty of the realm having granted the king a fifteenth upon this occasion, he on the 14th of February by his letters patent confirmed these perambulations, and ordained them to remain as a standing evidence of the boundaries of the forest in every county for ever¹.

A. D. 1300.
28 Edw. I.

29 Edw. I.

communitate comitatus predicti civibus de civitatibus et burgensibus de burgis predictis rationabiles expensas suas habere facias in veniendo ad dictum parliamentum nostrum ibidem morando et etiam redeundo Tibi insuper precipimus sicut prius quod per totam ballivam tuam sine dilatione publice facias proclamari quod omnes illi qui terras aut tenementa habeant infra metas foreste nostre in balliva tua et qui perambulationem in aliquo calumpniari voluerint quod sint coram nobis in parlamento nostro predicto ostensuri in hac parte rationes suas et calumpnias si quas habent Et habeas ibi nomina predictorum militum civium et burgensium et hoc breve Teste rege apud la Rose xxvj die Septembris.

Consimiles litere diriguntur vicecomitibus subscriptis in quorum comitatibus foreste existunt videlicet Westmer' Eborum Notingham' Derb' North' Buk' Hunt' Essex' Surr' Suth' Wylt' Sumers' Dors' Devon' Glouc' Wygorn' Hereford' Roteland' Oxon' Salop' Stafford' Warr'.

Rex vicecomiti Linc' salutem Cum nuper pro communi utilitate &c ut supra usque ibi "pro communi commodo dicti regni" Et habeas ibi nomina predictorum militum civium et burgensium et hoc breve T. R. ut supra.

Eodem modo mandatum est vicecomitibus subscriptis in quorum comitatibus non sunt foreste videlicet Norff' Suff' Cantabr' Bed' Kane' Suffex' Midd' Leyc' Northumb' Cornub' Lanc' Hertford'.

¹ It may be matter of curiosity to observe the form of these perambulations to establish the bounds of the forests; for which purpose a forest is here selected, which has no longer any existence, but is now converted into private property.

Rot. Perambulationum forestarum 29 Edw. I. m. 8.

Rex omnibus ad quos &c Sciatis quod cum communitas regni nostri nobis concesserit quintam decimam omnium bonorum suorum mobilium que habebunt in festo sancti Michaelis proximo futuro extunc taxandorum que quidem quintadecima post hujusmodi taxationem colligi debet levare et fideliter nobis solvi Volumus et concedimus pro nobis et heredibus nostris quod perambulationes facte coram dilecto et fideli nostro Rogero le Brabazon et sociis suis ad hoc assignatis per preceptum nostrum de forestis nostris in comitatu Oxon' de cetero teneantur et observentur per metas et bundas contentas in eisdem perambulationibus quarum tenor de verbo ad verbum sequitur in hunc modum

Perambulatio forestarum comitatus Oxon' facta coram

A. D. 1300.
29 Edw. I.

At the same time the king, by his letters patent, confirmed the two charters; with a special proviso, that, if any thing had been

coram dominis Rogero le Brabazun Radulfo de Hengham et Willielmo Inge justiciariis domini regis ad dictam perambulationem faciendam assignatis in presentia forestariorum et viridariorum forestarum predictarum die dominica in vigilia beati Petri in cathedra anno regni regis Edwardi vicesimo octavo per sacramentum Johannis filii Guidonis Fulconis de Rucote Thoma de Parco Willielmi de Sharebroke Henrici de Bruylly Gilberti de Gaye Ricardi de Caune Johannis de la Hide Hugonis de Barton Stephani de Abendon Johannis de Haddon Roberti de Stok Roberti de Romeny junioris Ricardi de Cornewell Radulfi de Sutton Henrici le Espicer de Cheping-Norton Walteri Hesel de Lillingeston Roberti Neel de Wode Pyrte Nicholai Broun junioris Radulfi de la Hide Willielmi Bernard Johannis de Honyngton de Chadelyngton Ade de Dounballe et Roberti de Aftcote Qui dicunt super sacramentum suum quod foresta de Schotovere incipit ad molendinum quod vocatur Sotelescote Mulle et sic per le Meredich quod est inter dominicum boscum domini regis de Hedingdon et terram Johannis de Ellesfeld includendo forestam ex parte dextra per omnes bundas et metas subscriptas et excludendo extra forestam ex parte sinistra totum residuum et sic usque Stonibrigge et sic per le Meredich usque Edenebrok et sic usque le Bunden quod vocatur Ensegrovemere quod est inter campum de Elsfeld et campum de Wyk et sic usque Stodfold et sic usque le Brech et sic usque le Brecheburne quod est inter boscum domini regis quod vocatur Stowode et le Breche de Elsfeld et sic per fossatum usque Eldendon et sic usque Bicheweyefende et sic usque Beckelestle et sic per haiam usque Hangerefende per boscum de Elsfeld et sic inter boscum de Wode Eton et Stowode usque Kingesok et sic usque Dudeweysfende apud la Lake que vocatur Wode Eton Ho et sic usque Longerudyngfende que est inter Stowode et Cow Aliz et sic usque Bradenebrigg et sic usque Thremeren inter Stowode et boscum Henrici Tyey et boscum abbatis de Westm et sic usque cornerum del Parkeres Breche de Beckele et sic usque le Dichende de Beckele et sic directe per hayam persone de Beckele usque Stowode mere et sic usque Beckelebach et sic per hayam Bantereshale et sic per hayam usque le Brechesburn ad capud bosci Johannis de sancto Johanne et sic usque le Merethorn inter campum de Staunton et Wik et sic usque Bastardescroft

de Stoford et sic per fossatum dicti crofti usque ad pontem de Stoford et sic per fossatum inter campum de Hedindon et campum de Forsthull et sic usque Sanden et sic per fossatum inter campum de Forsthull et Schotovere usque Lynbale et sic usque Biyondebrok inter boscum domini regis et boscum de Forsthull et sic usque Wodemanneshull et sic usque Farnwellebrok atte Groveshend et sic usque Halenghtonbach et sic usque Mintenhale et sic usque Banstakebrok Netherende et sic per fossatum usque Kingeswodebrok et sic usque ad capud inferius de Akemere juxta Kingwodebrok usque le Rededich ascendendo usque ad boscum de Templo et sic descendendo per boscum Templi usque le Mereweys que extendit juxta Schotovere et sic usque Akemerebrok et sic usque dictum le Rededich inter boscum Johannis de Scaccio et boscum de Templo usque Rededichfende et sic descendendo usque Akemerewelle et sic usque le Mereweys juxta boscum de Schotovere et sic per le Mereweys inter boscum de Schotovere et Horspathe et sic usque ad summum capud de Akemere et sic usque Chalfle per le Merehegg inter Pyriebale et Chalfle et sic usque viam regiam que ducit versus Oxon et sic per eandem viam regiam usque parvum pontem de Oxon et sic usque Charewell et sic per Charewelle usque ad molendinum quod vocatur Sotelescote Mulle Et dicunt predicti juratores quod boscus de Elsfeld qui modo est Johannis de Elsfeld et boscus de Wode Eton qui est abbas de Eynesbam et boscus de Cow Aliz qui est abbas de Westm et boscus del Hok qui est Henrici Tyey et boscus de Forsthull qui est abbas de Ofeneye et priorisse de Stodleye et boscus de Scharwe qui est abbas de Abendon et boscus de Horspathe qui est magistri milicie templi in Anglia et boscus de Chalfle qui est ejusdem magistri milicie et bosci de Hornle et Sydele in Stanton qui sunt Johannis de sancto Johanne fuerunt afforestati post coronationem domini H. regis proavi domini regis nunc ad tale dampnum videlicet quod nec ipsi nec eorum antecessores seu predecessores post tempus predictum usque nunc nichil de boscis predictis capere potuerunt nisi per liberationem forestariorum et ad eorundem forestariorum voluntatem nec aliud proficuum de eisdem boscis recipere sicut prius habere et facere consueverunt ante tempus coronationis domini H. regis predicti absque attachiamento et impedimento forestariorum predictorum Et dicunt

enacted contrary to their true sense and meaning, it should be remedied or even annulled by the common consent of the realm. An original of this charter, with the great seal in white wax appendant thereto, (being in breadth nine inches and an half, and in length five inches and a quarter including the fold for the label) is extant in the Bodleian library among M. Furney's charts, from whence the following copy ^k is exactly printed; and the device of the seal, with the imperfections shaded, may be seen in page 82, and of the counter-seal in page 86. There is another of these charters in the archives of Christ-church in Oxford; and M. Prynne mentions ^l four, that he had found in the tower of London.

A. D. 1300.
29 Edu. I.

THIS seems to have been the final and complete establishment of the two charters, of liberties and of the forest: which, from their first concession under king John A. D. 1215, had been often endangered, and undergone very many mutations, for the space of near a century; but were now fixed upon an eternal basis, having in all, before and since this time, (as sir Edward Coke observes ^m) been established, confirmed, and commanded to be put in execution, by two and thirty several acts of parliament ⁿ.

omnes predictos boscos esse afforestatos post coronationem domini H. regis proavi domini regis nunc prout intellexerunt et intelligunt ex relatu antecessorum suorum et aliorum proborum hominum et per communem famam patrie et per omnes villatas eidem foreste propinquius adjacentes In cujus rei testimonium predicti jurati sigilla sua apposuerunt

Ita quod quicquid per istas perambulationes ponitur extra forestam remaneat extra forestam et residuum remaneat foresta secundum metas et bundas predictas imperpetuum In cujus rei testimonium has literas nostras fieri fecimus patentes Teste rege apud Lincoln' xiiij die Februarii.

^k pag. 85.

^l 3 Pryn. 855.

^m 2 Inst. proëm.

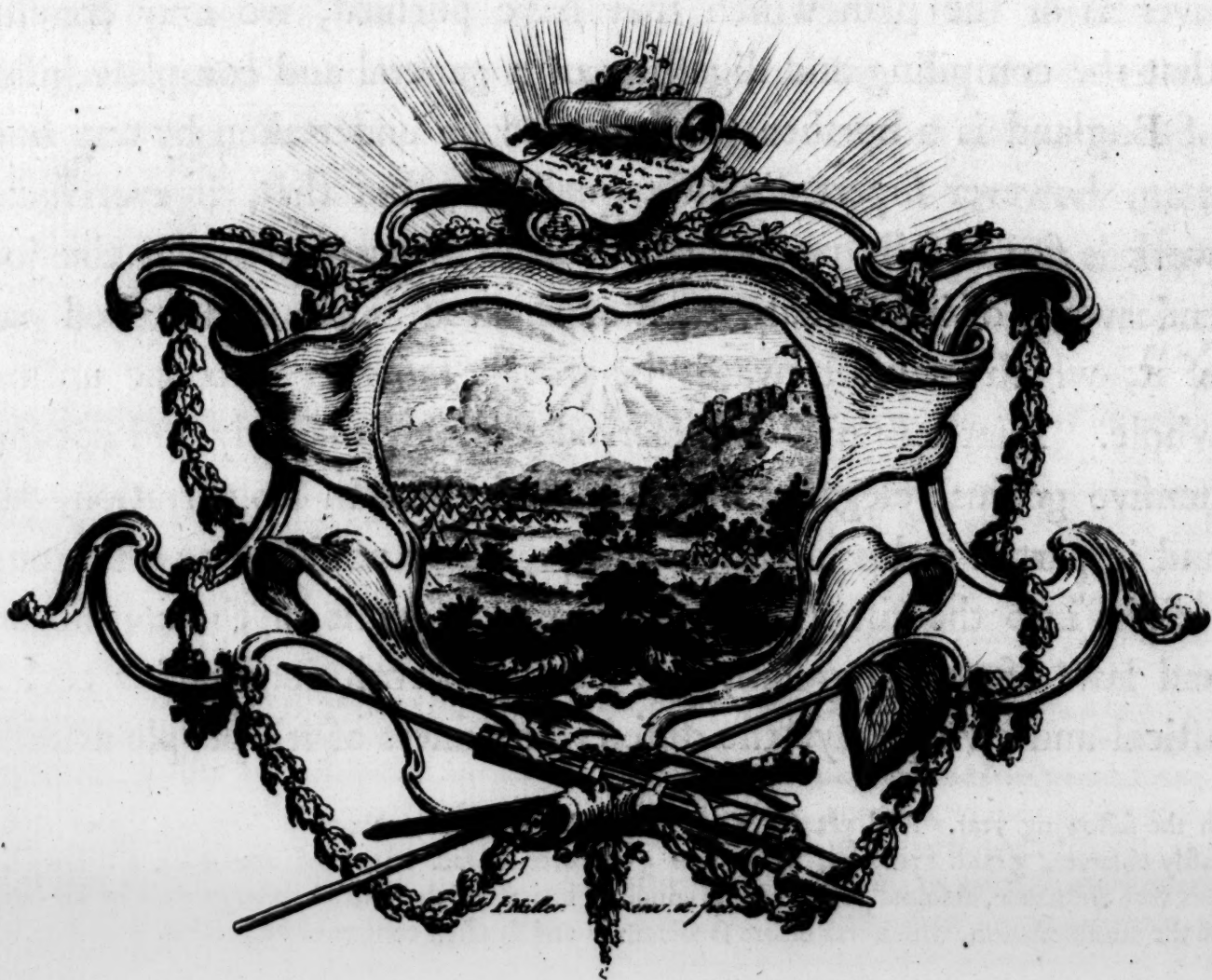
ⁿ It is true, that the apprehensions of the people were again raised, when king Edward, 29 Dec. A. D. 1305, obtained a bulle from pope Clement the fifth, annulling all the concessions that had been extorted from him with relation to the forests and other liberties; (2 Rym. 978.) and releasing him from his oaths, and other spiritual ties, by which he was engaged to observe them. But the only use he made of it (according to Brady, 2 Hist. 84; and Carte, 2 Hist. 292.) was to shew his magnanimity; in that being now absolved from all manner of obligation, according to the casuistry of the times, he thought proper of his own freewill, and without any compulsion, to confirm and enlarge very many of these concessions by the ordinance of the forest, which he published on the 27th of May in

AND, having thus traced the two charters from their original in Runingmede (if not earlier) to this their lasting settlement, it is now time to put a period to this historical discourse; which, through the multitude of facts and records appealed to, hath swoln to a greater bulk than the editor expected when first he undertook to compile it. In consequence of those facts and records he hath been obliged to differ very frequently, (more frequently indeed than is taken notice of) not only from the monastic writers and such as have implicitly followed them, but also from later historians of a very different character; who were endued with more learning and industry, and wrote from more authentic materials. The reflexion which must naturally arise from hence is this; that, since men of great abilities have failed in point of accuracy through the extensiveness of the plan which they have pursued, we may conclude that the compiling and digesting of a general and complete history of England is a burthen too heavy to be undertaken by any single man, however supereminently qualified; but that, if ever such a work is successfully performed, it must be carried on by the joint endeavours of individuals, each of them attentive to detached parts of it, which may afterwards be woven together into one uniform whole. That task may be reserved for some masterly and comprehensive genius, elegant in his stile, faithful in his narration, able and impartial in his judgment: who, being possessed of a thorough insight into the rise and gradual improvements of the constitution and laws of this kingdom, the frequent revolutions of it's ecclesiastical and civil polity, the different manners of it's people at diffe-

in the following year. And yet (as Tyrrel very justly observes, 3 Hist. 170.) he, by chapter 5 of this very ordinance, absolutely revoked and annulled the deafforestation, which was before so solemnly agreed to; though it does not appear that he ever in fact attempted any thing afterwards, in breach of the two charters granted by his father, and so often confirmed by himself.

rent

rent periods of time, and it's general connexions and commerce with foreign nations, and being accurately supplied with particular facts and occurrences by the laborious researches of others, might regulate and bring to perfection in a finished degree this great and extensive work; though he wanted that critical attention to dates, and names, and other minuter circumstances, which would be requisite in those who should act in the subordinate departments. If what the editor of these sheets has collected, with regard to the original, progress, and establishment of the two great charters of liberties, can in any shape contribute to illustrate this important part of our english juridical history, he shall think that he has not altogether thrown away the labour and time, which have been bestowed upon these enquiries.



**MAGNA CARTA,
CARTA DE FORESTA,
ETC.**



T A B L E

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

Table of Contents

T A B U L A.

<i>Articuli magne carte libertatum sub sigillo regis Johannis.</i>	Pag. 1.
<i>Magna carta, 15 Jun. MCCXV, 17 Job.</i>	— 10.
<i>Conventio inter regem Johannem et barones.</i>	— 25.
<i>Magna carta, 12 Novemb. MCCXVI, 1 Hen. III.</i>	— 27.
<i>Magna carta, MCCXVII.</i>	— — 37.
<i>Magna carta, 11 Febr. MCCXXIV, 9 Hen. III.</i>	— 47.
<i>Carta de foresta, 11 Febr. MCCXXIV, 9 Hen. III.</i>	— 60.
<i>Carta confirmationis, 28 Jan. MCCXXXVI, 21 Hen. III.</i>	68.
<i>Sententia excommunicationis, 13 Maii MCCLIII, 37 Hen. III.</i>	70.
<i>Carta confirmationis, 14 Mar. MCCLXIV, 49 Hen. III.</i>	74.
<i>Statutum de Marleberge, 18 Nov. MCCLXVII, 52 Hen. III. c. 5.</i>	79.
<i>Confirmatio cartarum, 5 Nov. MCCXCVII, 25 Edw. I.</i>	— 80.
<i>Articuli super cartas, 6 Mar. MCCXCIX, 28 Edw. I.</i>	— 83.
<i>Carta confirmationis, 14 Febr. MCCC, 29 Edw. I.</i>	— 85.

T A B U L A

1	Index of the names of the persons mentioned in the text
2	Index of the names of the places mentioned in the text
3	Index of the names of the things mentioned in the text
4	Index of the names of the events mentioned in the text
5	Index of the names of the persons mentioned in the text
6	Index of the names of the places mentioned in the text
7	Index of the names of the things mentioned in the text
8	Index of the names of the events mentioned in the text
9	Index of the names of the persons mentioned in the text
10	Index of the names of the places mentioned in the text
11	Index of the names of the things mentioned in the text
12	Index of the names of the events mentioned in the text
13	Index of the names of the persons mentioned in the text
14	Index of the names of the places mentioned in the text
15	Index of the names of the things mentioned in the text
16	Index of the names of the events mentioned in the text
17	Index of the names of the persons mentioned in the text
18	Index of the names of the places mentioned in the text
19	Index of the names of the things mentioned in the text
20	Index of the names of the events mentioned in the text

A R T I C U L I
M A G N E C A R T E L I B E R T A T U M
S U B S I G I L L O R E G I S
J O H A N N I S.

ISTA sunt capitula que barones petunt et dominus rex concedit



POST decessum antecessorum heredes plene etatis habebunt hereditatem suam per antiquum relevium exprimendum in carta

§. Heredes qui infra etatem sunt et fuerint in custodia cum ad etatem pervenerint habebunt hereditatem suam sine relevio et fine 2

§. Custos terre heredis capiat rationabiles exitus consuetudines et servitia sine destructione et vasto hominum et rerum suarum et si custos terre fecerit destructionem et vastum amittat custodiam et custos sustentabit domos parcos vivaria stagna molendina et cetera ad terram illam pertinentia de exitibus terre ejusdem et ut heredes ita maritentur ne disparagentur et per consilium propinquorum de consanguinitate sua 3

A

§. Ne

- 4 §. Ne vidua det aliquid pro dote sua vel maritagio post decessum mariti sui sed maneat in domo sua per xl dies post mortem ipsius et infra terminum illum assignetur ei dos et maritadium statim habeat et hereditatem suam
- 5 §. Rex vel ballivus non saisset terram aliquam pro debito dum catalla debitoris sufficiunt nec plegii debitoris distringantur dum capitalis debitor sufficit ad solutionem si vero capitalis debitor defecerit in solutione si plegii voluerint habeant terras debitoris donec debitum illud persolvatur plene nisi capitalis debitor monstrare poterit se esse inde quietum erga plegios
- 6 §. Rex non concedet alicui baroni quod capiat auxilium de liberis hominibus suis nisi ad corpus suum redimendum et ad faciendum primogenitum filium suum militem et ad primogenitam filiam suam semel maritandam et hoc faciet per rationabile auxilium
- 7 §. Ne aliquis majus servitium faciat de feodo militis quam inde debetur
- 8 §. Ut communia placita non sequantur curiam domini regis sed assignentur in aliquo certo loco et ut recognitiones capiantur in eisdem comitatibus in hunc modum ut rex mittat duos justiciarios per iij^{or} vices in anno qui cum iij^{or} militibus ejusdem comitatus electis per comitatum capiant assisas de nova disseisina morte antecessoris et ultima presentatione nec aliquis ob hoc sit summonitus nisi juratores et due partes
- 9 §. Ut liber homo amercietur pro parvo delicto secundum modum delicti et pro magno delicto secundum magnitudinem delicti salvo continementio suo villanus etiam eodem modo amercietur salvo waynagio suo et mercator eodem modo salva mercandisa per sacramentum proborum hominum de visneto
- 10 §. Ut clericus amercietur de laico feodo suo secundum modum aliorum predictorum et non secundum beneficium ecclesiasticum

§. Ne

§. Ne aliqua villa amercietur pro pontibus faciendis ad riparias 11
nisi ubi de jure antiquitus esse solebant

§. Ut mensura vini bladi et latitudines pannorum et rerum alia- 12
rum emendetur et ita de ponderibus

§. Ut assise de nova disseisina et de morte antecessoris abbrevien- 13
tur et similiter de aliis assis

§. Ut nullus vicecomes intromittat se de placitis ad coronam per- 14
tinentibus sine coronatoribus et ut comitatus et hundreda sint ad
antiquas firmas absque nullo incremento exceptis dominicis ma-
neriis regis

§. Si aliquis tenens de rege moriatur licebit vicecomiti vel alii 15
ballivo regis seiscire et imbreviare catallum ipsius per visum legalium
hominum ita tamen quod nichil inde amoveatur donec plenius
sciatur si debeat aliquod liquidum debitum domino regi et tunc
debitum regis persolvatur residuum vero relinquatur executoribus
ad faciendum testamentum defuncti et si nichil regi debetur om-
nia catalla cedant defuncto

§. Si aliquis liber homo intestatus decesserit bona sua per manum 16
proximorum parentum suorum et amicorum et per visum ecclesie
distribuantur

§. Ne vidue distringantur ad se maritandum dum voluerint sine 17
marito vivere ita tamen quod securitatem facient quod non mari-
tabunt se sine assensu regis si de rege teneant vel dominorum suo-
rum de quibus tenent

§. Ne constabularius vel alius ballivus capiat blada vel alia ca- 18
talla nisi statim denarios inde reddat nisi respectum habere possit
de voluntate venditoris

§. Ne constabularius possit distringere aliquem militem ad dan- 19
dum denarios pro custodia castri si voluerit facere custodiam illam
in propria persona vel per alium probum hominem si ipse eam fa-
cere

cere non possit per rationabilem causam et si rex eum duxerit in exercitum sit quietus de custodia secundum quantitatem temporis.

20 §. Ne vicecomes vel ballivus regis vel aliquis alius capiat equos vel caretas alicujus liberi hominis pro cariagio faciendo nisi ex voluntate ipsius

21 §. Ne rex vel ballivus suus capiat alienum boscum ad castra vel ad alia agenda sua nisi per voluntatem ipsius cujus boscus ille fuerit.

22 §. Ne rex teneat terram eorum qui fuerint convicti de feloniam nisi per unum annum et unum diem sed tunc reddatur domino feodi.

23 §. Ut omnes kidelli de cetero penitus deponantur de Tamisia et Medewaye et per totam Angliam.

24 §. Ne breve quod vocatur Precipe de cetero fiat alicui de aliquo tenemento unde liber homo amittat curiam suam.

25 §. Si quis fuerit disseisitus vel prolongatus per regem sine iudicio de terris libertatibus et jure suo statim ei restituatur et si contentio super hoc orta fuerit tunc inde disponatur per iudicium xxv baronum et ut illi qui fuerint disseisiti per patrem vel fratrem regis rectum habeant sine dilatione per iudicium parium suorum in curia regis et si rex debeat habere terminum aliorum cruce signatorum tunc archiepiscopus et episcopi faciant inde iudicium ad certum diem appellatione remota.

26 §. Ne aliquid detur pro brevi inquisitionis de vita vel membris sed libere concedatur sine precio et non negetur.

27 §. Si aliquis tenet de rege per feodi firmam per sokagium vel per burgagium et de alio per servitium militis dominus rex non habebit custodiam militum de feodo alterius occasione burgagii vel sokagii nec debet habere custodiam burgagii sokagii vel feodi firme et quod liber homo non amittat militiam suam occasione parvarum fergantifarum sicuti de illis qui tenent aliquod tenementum reddendo inde cuttellos vel sagittas vel hujusmodi

§. Ne

§. Ne aliquis ballivus possit ponere aliquem ad legem simplici 28
loquelā sua sine testibus fidelibus

§. Ne corpus liberi hominis capiatur nec imprisonetur nec 29
dissolvatur nec utlagetur nec exuletur nec aliquo modo destruat
nec rex eat vel mittat super eum vi nisi per iudicium parium suo-
rum vel per legem terre

§. Ne jus vendatur vel differratur vel vetitum sit 30

§. Quod mercatores habeant saluum ire et venire ad emendum 31
vel vendendum sine omnibus malis tollis per antiquas et rectas con-
suetudines

§. Ne scutagium vel auxilium ponatur in regno nisi per com- 32
mune consilium regni nisi ad corpus regis redimendum et primo-
genitum filium suum militem faciendum et filiam suam primogeni-
tam semel maritandam et ad hoc fiat rationabile auxilium simili
modo fiat de taillagiis et auxiliis de civitate London' et de aliis
civitatibus que inde habent libertates et ut civitas London' plene
habeat antiquas libertates et liberas consuetudines suas tam per
aquis quam *per terras*

§. Ut liceat unicuique exire de regno et redire salva fide domini 33
regis nisi tempore guerre per aliquod breve tempus propter com-
munem utilitatem regni

§. Si quis mutuo aliquid acceperit a Judeis plus vel minus et 34
moriatur antequam debitum illud solvatur debitum non usurabit
quamdiu heres fuerit infra etatem de quocumque teneat et si de-
bitum illud inciderit in manum regis rex non capiet nisi catallum
quod continetur in carta

§. Si quis moriatur et debitum debeat Judeis uxor ejus habeat 35
dotem suam et si liberi remanserint provideantur eis necessaria se-
cundum tenementum et de residuo solvatur debitum salvo servitio
dominorum simili modo fiat de aliis debitis et ut custos terre red-

dat heredi cum ad plenam etatem pervenerit terram suam instaurationem secundum quod rationabiliter poterit sustinere de exitibus terre ejusdem de carucis et wainnagiis

36 §. Si quis tenuerit de aliqua eskaeta sicut de honore Walingeford Notingeham Bonon' et Lankastr' et de aliis eskaetis que sunt in manu regis et sunt baronie et obierit heres ejus non dabit aliud relevium vel faciet regi aliud servitium quam faceret baroni et ut rex eodem modo eam teneat quo baro eam tenuit

37 §. Ut fines qui facti sunt pro dotibus maritagiis hereditatibus et amerciamentis injuste et contra legem terre omnino condonentur vel fiat inde per judicium xxv baronum vel per judicium majoris partis eorumdem una cum archiepiscopo et aliis quos secum vocare voluerit ita quod si aliquis vel aliqui de xxv fuerint in simili querela amoveantur et alii loco illorum per residuos de xxv substituantur

38 §. Quod obsides et carte reddantur que liberate fuerunt regi in securitatem

39 §. Ut illi qui fuerint extra forestam non veniant coram justiciariis de foresta per communes summonitiones nisi sint in placito vel plegii fuerint et ut prave consuetudines de forestis et de forestariis et warrenniis et vicecomitibus et rivariis emendantur per xii milites de quolibet comitatu qui debent eligi per probos homines ejusdem comitatus

40 §. Ut rex amoveat penitus de balliva parentes et totam sequelam Gerardi de Atyes quod de cetero balliam non habeant scilicet Engelardum Andream Petrum et Gyonem de Cancell' Gyonem de Cygon' Matheum de Martiny et fratres ejus et Galfridum nepotem ejus et Philippum Mark

41 §. Et ut rex amoveat alienigenas milites stipendiarios balistarios et

et ruttarios et servientes qui veniunt cum equis et armis ad nocumentum regni

§. Ut rex faciat justiciarios constabularios vicecomites et ballivos 42
de talibus qui sciant legem terre et eam bene velint observare

§. Ut barones qui fundaverunt abbátias unde habent cartas regum 43
vel antiquam tenuram habeant custodiam earum cum vacaverint

§. Si rex Walenses disfaierit vel elongaverit de terris vel liberta- 44
tibus vel de rebus aliis in Anglia vel in Wallia eis statim fine placito
reddantur et si fuerint disfaisti vel elongati de tenementis suis An-
glie per patrem vel fratrem regis fine iudicio parium suorum rex
eis fine dilatione justiciam exhibebit eo modo quo exhibet Anglicis
justiciam de tenementis suis Anglie secundum legem Anglie et de
tenementis Wallie secundum legem Wallie et de tenementis marchie
secundum legem marchie idem facient Walenses regi et suis

§. Ut rex reddat filium Lewelini et 45
preterea omnes obsides de Wallia et
cartas que ei liberate fuerunt in secu- nisi aliter esse debeat per car-
ritatem pacis - - - - - tas quas rex habet per iudici-

§. Ut rex faciat regi Scottorum de 46
obsidibus reddendis et de libertatibus um archiepiscopi et aliorum
suis et jure suo secundum formam quos secum vocare voluerit
quam facit baronibus Anglie - - -

§. Et omnes foreste que sunt aforestate per regem tempore suo 47
deafforestentur et ita fiat de ripariis que per ipsum regem sunt in
defenso

§. Omnes autem istas consuetudines et libertates quas rex con- 48
cessit regno tenendas quantum ad se pertinet erga suos omnes de
regno tam clerici quam laici observabunt quantum ad se pertinet
erga suos

§. Hec

49 §. Hec est forma securitatis ad observandum pacem et libertates inter regem et regnum Barones eligent xxv barones de regno quos voluerint qui debent pro totis viribus suis observare tenere et facere observari pacem et libertates quas dominus rex eis concessit et carta sua confirmavit ita videlicet quod si rex vel justiciarius vel ballivi regis vel aliquis de ministris suis in aliquo erga aliquem deliquerit vel aliquem articulorum pacis aut securitatis transgressus fuerit et delictum ostensum fuerit iiij^{or} baronibus de predictis xxv baronibus illi iiij^{or} barones accedent ad dominum regem vel ad justiciarium suum si rex fuerit extra regnum proponentes ei excessum petent ut excessum illum sine dilatione faciat emendari et si rex vel justiciarius ejus illud non emendaverit si rex fuerit extra regnum infra rationabile tempus determinandum in carta predicti iiij^{or} referent causam illam ad residuos de illis xxv baronibus et illi xxv cum communa totius terre distringent et gravabunt regem modis omnibus quibus poterunt scilicet per captionem castrorum terrarum possessionum et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum salva persona domini regis et regine et liberorum suorum et cum fuerit emendatum intendant domino regi sicut prius et quicumque voluerit de terra jurabit se ad predicta exequenda parituum mandatis predictorum xxv baronum et gravaturum regem pro posse suo cum ipsis et rex publice et libere dabit licentiam jurandi cuilibet qui jurare voluerit et nulli umquam jurare prohibebit omnes autem illos de terra qui sponte sua et per se noluerint jurare xxv baronibus de distringendo et gravando regem cum eis rex faciet jurare eosdem de mandato suo
sicut

sicut predictum est Item si aliquis de predictis xxv baronibus decesserit vel a terra recesserit vel aliquo modo alio impeditus fuerit quo minus ista predicta possint exequi qui residui fuerint de xxv eligent alium loco ipsius pro arbitrio suo qui simili modo erit juratus quo et ceteri In omnibus autem que istis xxv baronibus committuntur exequenda si forte ipsi xxv presentes fuerint et inter se super re aliqua discordaverint vel aliqui ex eis vocati nolint vel nequeant interesse ratum habebitur et firmum quod major pars ex eis providerit vel preceperit ac si omnes xxv in hoc consensissent et predicti xxv jurabunt quod omnia antedicta fideliter observabunt et pro toto posse suo facient observari Preterea rex faciet eos securos per cartas archiepiscopi et episcoporum et magistri Pandulfi quod nichil impetrabit a domino papa per quod aliqua istarum conventionum revocetur vel minuatur et si aliquid tale impetraverit reputetur irritum et inane et nunquam eo utatur.



MAGNA CARTA
REGIS JOHANNIS,

XV DIE JUNII, MCCXV,

ANNO REGNI XVII.



JOHANNES Dei gratia rex Anglie domi-
nus Hybernie dux Normannie Aquitanie
et comes Andegavie archiepiscopis episcopis
abbatibus comitibus baronibus justiciariis fo-
restariis vicecomitibus prepositis ministris et
omnibus ballivis et fidelibus suis salutem
Sciatis nos intuitu Dei et pro salute anime
nostre et omnium antecessorum et heredum nostrorum ad honorem
Dei et exaltationem sancte ecclesie et emendationem regni nostri

VARIAE LECTIONES,

desumptae ex Libro rubro Scaccarii Westm. (fol. ccxxxiii.) signantur Litera R.

* OMNIBUS Christi fidelibus ad quos presens
scriptum pervenerit Stephanus Dei gratia Cantuar'
archiepiscopus totius Anglie primas et sancte Ro-
mane ecclesie cardinalis Henricus eadem gratia
Dublin' archiepiscopus Willielmus London' Petrus
Winton' Joscelynus Bathon' et Glaston' Hugo Linc'
Walterus Wigorn' Willielmus Coventr' et Bene-
dictus Ross' divina miseratione episcopi et magister

Pandulfus domini pape subdiaconus et familiaris
salutem in Domino Sciatis nos inspexisse cartam
quam dominus noster Johannes illustris rex Anglie
fecit comitibus baronibus et liberis hominibus suis
Anglie de libertate sancte ecclesie et libertatibus et
liberis consuetudinibus suis eisdem ab eo concessis
sub hac forma JOHANNES &c. R.

^b et Aquitanie comes. R.

per

per consilium venerabilium patrum nostrorum Stephani Cant' archie-
 piscopi totius Anglie primatis et sancte Romane ecclesie cardinalis
 Henrici Dublin' archiepiscopi Willielmi London' Petri Winton' Jos-
 celini Bathon' et Glauston' Hugonis Lincoln' Walteri Wygorn' Wil-
 lielmi Coventr' et Benedicti Roff' episcoporum magistri Pandulfi
 domini pape subdiaconi et familiaris fratris ' EymERICI magistri mi-
 litie templi in Anglia et nobilium virorum Willielmi Mariscalli co-
 mitis Penbrok Willielmi comitis Sar' Willielmi comitis Warenn' Wil-
 lielmi comitis Arundell' Alani de Galweya constabularii Scottie Wa-
 rini filii Geroldi Petri filii Hereberti Huberti de Burgo senescalli Pic-
 tavie Hugonis de Nevill' Mathei filii Hereberti Thome Basset Alani
 Basset Philippi de Albin' Roberti ' de Roppel' Johannis Mariscalli Jo-
 hannis filii Hugonis et aliorum fidelium nostrorum In primis con-
 cessisse Deo et hac presenti carta nostra confirmasse pro nobis et he-
 redibus nostris in perpetuum quod Anglicana ecclesia libera sit et
 habeat jura sua integra et libertates suas illesas et ita volumus obser-
 vari quod apparet ex eo quod libertatem electionum que maxima et
 magis necessaria reputatur ecclesie Anglicane mera et spontanea vo-
 luntate ante discordiam inter nos et barones nostros motam conce-
 simus et carta nostra confirmavimus et eam optinuimus a domino
 papa Innocentio tertio confirmari quam et nos observabimus et ab
 heredibus nostris in perpetuum bona fide volumus observari Con-
 cessimus etiam omnibus liberis hominibus regni nostri pro nobis et
 heredibus nostris in perpetuum omnes libertates subscriptas haben-
 i. das et tenendas eis et heredibus suis de nobis et heredibus nostris Si 2
 quis comitum vel baronum nostrorum five aliorum tenentium de
 nobis in capite per servitium militare mortuus fuerit et cum deces-
 serit heres suus plene etatis fuerit et relevium debeat habeat heredi-

VARIARUM LECTIONUM.

' Emerici. R.

' deest de. R.

- tatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum^e libras heres vel heredes militis de feodo militis integro per centum solidos ad plus et qui minus debuerit minus det secundum antiquam consuetudinem feodorum
- 3 Si autem heres alicujus talium fuerit infra etatem et fuerit in custodia cum ad etatem pervenerit habeat hereditatem suam sine ii.
- 4 relevio et sine fine Custos terre hujusmodi heredis qui infra etatem fuerit non capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines et rationabilia servitia et hoc sine destructione et vasto hominum vel rerum et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus illius nobis respondere debeat et ille destructionem de custodia fecerit vel vastum nos ab illo capiemus emendam et terra committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus respondeant nobis vel ei cui eos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem inde fecerit vel vastum amittat ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut predictum est Custos autem quamdiu custodiam terre habuerit sustentet domos parcos vivaria stagna molendina et cetera ad terram illam pertinentia de exitibus terre ejusdem et reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carrucis et wainnagiis secundum quod tempus wainnagii exiget et exitus terre rationabiliter poterunt sustinere
- 5 xxxv.
- 6 Here des maritentur absque disparagatione ita tamen quod antequam contrahatur matrimonium ostendatur propinquis de consanguinitate ipsius heredis iii.
- 7 Vidua post mortem mariti sui^f statim et iv.

VARIARUM LECTIONES.

^e librum. R.^f statim. R.

- fine difficultate habeat maritagium et hereditatem suam nec aliquid
det pro dote sua vel pro maritagio suo vel hereditate sua quam he-
reditatem maritus suus et ipsa ^s tenuerint die obitus ipsius mariti et
maneant in domo mariti sui per quadraginta dies post mortem ipsius
xvii. infra quos assignetur ei dos sua Nulla vidua distringatur ad se 8
^h maritandum dum voluerit vivere sine marito ita tamen quod secu-
ritatem faciat quod se non maritabit sine assensu nostro si de nobis
tenuerit vel sine assensu domini sui de quo tenuerit si de alio tenue-
rit Nec nos nec ballivi nostri seisiemus terram aliquam nec reddi- 9
tum pro debito aliquo quamdiu catalla debitoris sufficiunt ad debi-
tum reddendum nec pleggii ipsius debitoris distringantur quamdiu
ipse capitalis debitor sufficit ad solutionem debiti et si capitalis de-
bitor defecerit in solutione debiti non habens unde solvat pleggii
respondeant de debito et si voluerint habeant terras et redditus de-
bitoris donec sit eis satisfactum de debito quod ante pro eo solverint
nisi capitalis debitor monstraverit se esse quietum inde versus eos-
dem pleggios Si quis mutuo ceperit aliquid a Judeis plus vel mi- 10
nus et moriatur antequam debitum illum solvatur debitum non usu-
ret quamdiu heres fuerit infra etatem de quocumque teneat et si
debitum illud inciderit in manus nostras nos non capiemus nisi ca-
tallum contentum in carta Et si quis moriatur et debitum debeat 11
Judeis uxor ejus habeat dotem suam et nichil reddat de debito illo
et si liberi ipsius defuncti qui fuerint infra etatem remanserint pro-
videantur eis necessaria secundum tenementum quod fuerit defunc-
ti et de residuo solvatur debitum salvo servitio dominorum simili
modo fiat de debitis que debentur aliis quam Judeis Nullum scu- 12
tagium vel auxilium ponatur in regno nostro nisi per commune
consilium regni nostri nisi ad corpus nostrum redimendum et pri-

V A R I A E L E C T I O N E S.

^s tenuerunt. R.^h maritandam. R.

D

mogenitum

- mogenitum filium nostrum militem faciendum et ad filiam nostram primogenitam semel maritandam et ad ¹hec non fiat nisi rationabile
- 13 auxilium simili modo fiat de auxiliis de civitate London' Et civitas London' habeat omnes antiquas libertates et liberas consuetudines suas tam per terras quam ²per aquas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et portus habeant omnes libertates et liberas consuetudines suas Et ad habendum commune consilium regni de auxilio assidendo aliter quam in
- 14 tribus casibus predictis vel de scutagio assidendo summoneri faciemus archiepiscopos episcopos abbates comites et majores barones sigillatim per litteras nostras et preterea faciemus summoneri in generali per vicecomites et ballivos nostros omnes illos qui de nobis tenent in capite ad certum diem scilicet ad terminum quadraginta dierum ad minus et ad certum locum et in omnibus litteris illius summonitionis causam summonitionis exprimemus et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui presentes fuerint quamvis non omnes summoniti
- 15 venerint Nos non concedemus de cetero alicui quod capiat auxilium de liberis hominibus suis nisi ad corpus suum redimendum et ad faciendum primogenitum filium suum militem et ad primogenitam filiam suam semel maritandam et ad hec non fiat nisi rationabile auxilium
- 16 Nullus distringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam inde debetur
- 17 Communia placita non sequantur curiam nostram set teneantur in aliquo loco certo
- 18 Recognitiones de nova disseisina de morte antecessoris et de ultima presentatione non capiantur nisi in suis comitatibus et hoc modo Nos vel si extra regnum fuerimus capitalis iusticiarius noster mittemus duos iusticiarios per unumquemque comita-

vi.

vii.

viii.

VARIAR LECTIONES.

¹ hoc. R.² deest per. R.

- tum per quatuor vices in anno qui cum quatuor militibus cujuslibet comitatus electis per comitatum capiant in comitatu et in die et loco comitatus assisas predictas Et si in die comitatus assise predictae
 xiii. capi non possint tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo per quos possint judicia sufficienter
 ix. fieri secundum quod negotium fuerit majus vel minus Liber homo 20
 non amercietur pro parvo delicto nisi secundum modum delicti et pro magno delicto amercietur secundum magnitudinem delicti salvo contenemento suo et mercator eodem modo salva mercandisia sua et villanus eodem modo amercietur salvo wainnagio suo si inciderint in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum hominum de visneto Comites et barones non amercientur nisi per pares suos et non nisi 21
 x. secundum modum delicti Nullus clericus amercietur de laico tenemento suo nisi secundum modum aliorum predictorum et non 22
 xi. secundum quantitatem beneficii sui ecclesiastici Nec villa nec homo 23
 distringatur facere pontes ad riparias nisi qui ab antiquo et de jure facere debent Nullus vicecomes constabularius coronatores vel 24
 xiv. alii ballivi nostri teneant placita corone nostre Omnes comitatus 25
 hundredi wapentak' et trething' sint ad antiquas firmas absque ullo incremento exceptis dominicis maneriis nostris Si aliquis tenens 26
 xv. de nobis laicum feodum moriatur et vicecomes vel ballivus noster ostendat litteras nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat vicecomiti vel ballivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum ita tamen quod nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti et si nichil nobis debeatur ab ipso omnia catalla cedant defuncto salvis uxori ipsius et pueris rationabilibus partibus suis

- 27 fuis Si aliquis liber homo intestatus decesserit catalla sua per manus propinquorum parentum et amicorum suorum per visum ecclesie distribuuntur salvis unicuique debitis que defunctus ei ¹ debebat xvi.
- 28 Nullus constabularius vel alius ballivus noster capiat blada vel alia catalla alicujus nisi statim inde reddat denarios aut respectum inde xviii.
- 29 habere possit de voluntate venditoris Nullus constabularius distringat aliquem militem ad ^m dandum denarios pro custodia castri si facere voluerit custodiam illam in propria persona sua vel per alium probum hominem si ipse eam facere non possit propter rationabilem causam et si nos duxerimus vel miserimus eum in exercitum erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in exercitu Nullus vicecomes vel ballivus noster vel aliquis alius capiat equos vel ⁿ caretas alicujus liberi hominis pro cariagio faciendo nisi de voluntate ipsius liberi hominis Nec nos nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda xxi.
- 32 nostra nisi per voluntatem ipsius cujus boscus ille fuerit Nos non tenebimus terras illorum qui convicti fuerint de feloniam nisi per unum annum et unum diem et tunc reddantur terre dominis feodorum Omnes kydelli de cetero deponantur penitus de Thamisia et de ^o Medewaye et per totam Angliam nisi per costeram maris xxii.
- 33 Breve quod vocatur Precipe de cetero non fiat alicui de aliquo tenemento unde liber homo amittere possit curiam suam Una mensura vini fit per totum regnum nostrum et una mensura cervisie et una mensura bladi scilicet quarterium London' et una latitudo pannorum tinctorum et russettorum et halbergettorum scilicet due ulne xxiii.
- 36 infra listas de ponderibus autem fit ut de mensuris Nichil detur xxvi.

VARIAE LECTIONES.

¹ debeat. R.ⁿ caretas. R.^m ducendum. R.^o Medwai. R.

- xxvii. vel capiatur de cetero pro brevi inquisitionis de vita vel membris
 set gratis concedatur et non negetur. Si aliquis teneat de nobis 37
 per feodifirmam vel per ^p sokagium vel per burgagium et de alio
 terram teneat per servitium militare nos non habebimus custodiam
 heredis nec terre sue que est de feodo alterius occasione illius feodi-
 firme vel ^a sokagii vel burgagii nec habebimus custodiam illius feo-
 difirme vel ^r sokagii vel burgagii nisi ipsa feodifirma debeat servi-
 tium militare Nos non habebimus custodiam heredis vel terre ali-
 cujus quam tenet de alio per servitium militare occasione alicujus
 parve sergenterie quam tenet de nobis per servitium reddendi nobis
 xxviii. cultellos vel sagittas vel hujusmodi Nullus ballivus ponat de cete- 38
 ro aliquem ad legem simplici loquela sua sine testibus fidelibus ad
 xxix. hoc inductis Nullus liber homo capiatur vel imprisonetur aut dis- 39
 faisiatur aut utlagetur aut exuletur aut aliquo modo destruat nec
 super eum ibimus nec super eum mittemus nisi per legale iudicium
 xxx. parium suorum vel per legem terre Nulli vendemus nulli negabi- 40
 xxxi. mus aut differemus rectum aut justiciam Omnes mercatores ha- 41
 beant saluum et securum exire de Anglia et venire in Angliam et
 morari et ire per Angliam tam per terram quam per aquam ad
 emendum et vendendum sine omnibus malis toltis per antiquas et
 rectas consuetudines preterquam in tempore gwerre et si sint de
 terra contra nos gwerrina et si tales inveniantur in terra nostra in
 principio gwerre attachientur sine dampno corporum et rerum do-
 nec sciatur a nobis vel ^a capitali justiciario nostro quomodo merca-
 tores terre nostre tractentur qui tunc invenientur in terra contra
 nos gwerrina et si nostri salvi sint ibi alii salvi sint in terra nostra

V A R I A E L E C T I O N E S.

^p Soccagium. R.
^r Soccagii. R.

^a Soccagii. R.
^a a capitali. R.

- 42 Liceat unicuique de cetero exire de regno nostro et redire salvo et
secure per terram et per aquam salva fide nostra nisi tempore gwer- xxxiii.
re per aliquod breve tempus propter communem utilitatem regni
exceptis inprisonatis et utlagatis secundum legem regni et gente de
terra contra nos gwerrina et mercatoribus de quibus fiat sicut pre-
dictum est Si quis tenuerit de aliqua escaeta ¹ sicut de honore xxxvi.
Walingeford Notingeham Bon' Lainkastr' vel de aliis eskaetis que
sunt in manu nostra et sunt baronie et obierit heres ejus non det
aliud relevium nec faciat nobis aliud servitium quam faceret baroni
si baronia illa esset in manu baronis et nos eodem modo eam tene-
44 bimus quo baro eam tenuit Homines qui manent extra forestam xxxix.
non veniant de cetero coram justiciariis nostris de foresta per com-
munes summonitiones nisi sint in placito vel pleggii alicujus vel ali-
45 quorum qui attachiati sint pro foresta Nos non faciemus justicia- xlii.
rios constabularios vicecomites vel ballivos nisi de talibus qui sciant
46 legem regni et eam bene velint observare Omnes barones qui fun- xliii.
daverunt abbatias unde habent cartas regum Anglie vel antiquam
tenuram habeant earum custodiam cum vacaverint sicut habere de-
47 bent Omnes foreste que aforestate sunt tempore nostro statim de- xlvii.
afforestentur et ita fiat de ripariis que per nos tempore nostro po-
48 site sunt in defenso Omnes male consuetudines de forestis et wa- xxxix.
rennis et de forestariis et warennariis vicecomitibus et eorum minis-
tris ripariis et earum custodibus statim inquirantur in quolibet co-
mitatu per duodecim milites juratos de eodem comitatu qui debent
eligi per probos homines ejusdem comitatus et infra quadraginta
dies post inquisitionem factam penitus ita quod numquam revocen-
49 ciarius noster si in Anglia non fuerimus Omnes obsides et cartas xxxviii.

VARIAE LECTIONES.

¹ *deest* sicut. R.

statim

- statim reddemus que liberate fuerunt nobis ab Anglicis in securita-
- xl. tem pacis vel fidelis servitii Nos amovebimus penitus de balliis 50
parentes Gerardi de ^u Athyes quod de cetero nullam habeant bal-
liam in Anglia Engeldardum de Cygony Andream Petrum et ^u Gyo-
nem de Cancell' Gyonem de Cygony Galfridum de ^{*} Martyni et
fratres ejus Philippum ['] Mark et fratres ejus et Galfridum nepo-
- xli. tem ejus et totam sequelam eorundem Et statim post pacis refor- 51
mationem amovebimus de regno omnes alienigenas milites balista-
rios fervientes stipendiarios qui venerint cum equis et armis ad no-
- xxv. cumentum regni Si quis fuerit disseisitus vel elongatus per nos fi- 52
ne legali judicio parium suorum de terris castallis libertatibus vel
jure suo statim ea ei restituemus et si contentio super hoc orta fue-
rit tunc inde fiat per judicium viginti quinque baronum de quibus
fit mentio inferius in securitate pacis de omnibus autem illis de
quibus aliquis disseisitus fuerit vel elongatus sine legali judicio pa-
rium suorum per Henricum regem patrem nostrum vel per Ricar-
dum regem fratrem nostrum que in manu nostra habemus vel que
alii tenent que nos oporteat warantizare respectum habebimus us-
que ad communem terminum cruce signatorum exceptis illis de qui-
bus placitum motum fuit vel inquisitio facta per preceptum nos-
trum ante susceptionem crucis nostre cum autem redierimus de pe-
regrinatione nostra vel si forte remanserimus a peregrinatione nostra
statim inde plenam justiciam exhibebimus Eundem autem respec- 53
tum habebimus et eodem modo de justicia exhibenda de forestis
deafforestandis vel remansuris forestis quas Henricus pater noster vel
Ricardus frater noster afforestaverunt et de custodiis terrarum que
sunt de alieno feodo cujusmodi custodias hucusque habuimus occa-

V A R I A E L E C T I O N E S.

^u Atyes. R.

^{*} Marteni. R.

^u Gionem. R.

['] Marci. R.

fione

- fione feodi quod aliquis de nobis tenuit per servitium militare et de
 abbatibus que fundate fuerint in feodo alterius quam nostro in qui-
 bus dominus feodi dixerit se jus habere et cum redierimus vel si
 remanserimus a peregrinatione nostra super hiis conquerentibus ple-
 54 nam justiciam statim exhibebimus Nullus capiatur nec impriso-
 netur propter ^a appellum femine de morte alterius quam viri sui
 55 Omnes fines qui injuste et contra legem terre facti sunt nobiscum xxvii.
 et omnia amerciamenta facta injuste et contra legem terre omnino
 condonentur vel fiat inde per judicium viginti quinque baronum
 de quibus fit mentio inferius in securitate pacis vel per judicium
 majoris partis eorundem una cum predicto Stephano Cant' archi-
 episcopo si interesse poterit et aliis quos secum ad hoc vocare vo-
 luerit et si interesse non poterit nichilominus procedat negotium fi-
 ne eo ita quod si aliquis vel aliqui de predictis viginti quinque ba-
 ronibus fuerint in simili querela amoveantur quantum ad hoc judi-
 cium et alii loco illorum per residuos de eisdem viginti quinque
 56 tantum ad hoc faciendum electi et jurati substituantur Si nos xlv.
^a disseisivimus vel elongavimus Walenses de terris vel libertatibus
 vel rebus aliis sine legali judicio parium suorum in Anglia vel in
 Wallia eis statim reddantur et si contentio super hoc orta fuerit
 tunc inde fiat in marchia per judicium parium suorum de tene-
 mentis Anglie secundum legem Anglie de tenementis Wallie se-
 cundum legem Wallie de tenementis marchie secundum legem
 57 marchie idem facient Walenses nobis et nostris De omnibus au-
 tem illis de quibus aliquis Walensium ^b disseisitus fuerit vel elonga-
 tus sine legali judicio parium suorum per Henricum regem patrem
 nostrum vel Ricardum regem fratrem nostrum que nos in manu

VARIARUM LECTIONES.

^a appellam. R.^b disseisitus. R.^a disseisivimus. R.

nostra

- nostra habemus vel ^c que alii tenent que nos oporteat warantizare
 respectum habebimus usque ad communem terminum crucefigna-
 torum illis exceptis de quibus placitum motum fuit vel inquisitio
 facta per preceptum nostrum ante susceptionem crucis nostre cum
 autem redierimus vel si forte remanserimus a peregrinatione nostra
 statim eis inde plenam justiciam exhibebimus secundum leges Wa-
 lensum et partes predictas Nos reddemus filium Lewelini statim 58
 et omnes obsides de Wallia et cartas que nobis liberate fuerunt in
 securitatem pacis Nos faciemus Allexandro regi Scottorum de fo- 59
 roribus suis et obsidibus reddendis et libertatibus suis et jure suo se-
 cundum formam in qua faciemus aliis baronibus nostris Anglie nisi
 aliter esse debeat per cartas quas habemus de Willielmo patre ipsius
 quondam rege Scottorum et hoc erit per judicium parium suorum
 in curia nostra Omnes autem istas consuetudines predictas et liber- 60
 tates quas nos ^d concessissimus in regno nostro tenendas quantum ad
 nos pertinet erga nostros omnes de regno nostro tam clerici quam
 laici observent quantum ad se pertinet erga suos Cum autem pro 61
 Deo et ad emendationem regni nostri et ad melius sopiendum dis-
 cordiam inter nos et barones nostros ortam hec omnia predicta
^e concesserimus volentes ea integra et firma stabilitate ^f gaudere in
 perpetuum facimus et concedimus eis securitatem subscriptam vide-
 licet quod barones eligant viginti quinque barones de regno quos
 voluerint qui debeant pro totis viribus suis observare tenere et face-
 re observari pacem et libertates quas eis concessimus et hac presenti
 carta nostra confirmavimus ita scilicet quod si nos vel justiciarius
 noster vel ballivi nostri vel aliquis de ministris nostris in aliquo erga
 aliquem deliquerimus vel aliquem articulorum pacis aut securitatis

V A R I A E L E C T I O N E S.

^c *deest* que. R.
^e concessimus. R.

^d concessimus. R.
^f imperpetuum gaudere. R.

transgressi fuerimus et delictum ostensum fuerit quatuor baronibus de predictis viginti quinque baronibus illi quatuor barones accedant ad nos vel ad justiciarium nostrum si fuerimus extra regnum proponentes nobis excessum petent ut excessum illum sine dilatione faciamus emendari et si nos excessum non emendaverimus vel si fuerimus extra regnum justiciarius noster non emendaverit infra tempus quadraginta dierum computandum a tempore quo monstratum fuerit nobis vel justiciario nostro si extra regnum fuerimus predicti quatuor barones referant causam illam ad residuos de ^s viginti quinque baronibus et illi viginti quinque barones cum communa totius terre distringent et gravabunt nos modis omnibus quibus poterunt scilicet per captionem castrorum terrarum possessionum et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum salva persona nostra et regine nostre et liberorum nostrorum et cum fuerit emendatum intendunt nobis sicut prius fecerunt Et quicumque voluerit de terra juret quod ad predicta omnia exequenda parebit mandatis predictorum viginti quinque baronum et quod gravabit nos pro posse suo cum ipsis et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit et nulli unquam jurare ^h prohibebimus Omnes autem illos de terra qui per se et sponte sua ⁱ noluerint jurare viginti quinque baronibus de distringendo et gravando nos cum eis faciemus jurare eosdem de mandato nostro sicut predictum est Et si aliquis de viginti quinque baronibus decesserit vel a terra recesserit vel aliquo alio modo impeditus fuerit quo minus ista predicta possent exequi qui residui fuerint ^k de predictis viginti quinque baronibus eligant alium loco ipsius pro arbitrio suo qui simili modo erit juratus quo et ceteri

VARIAE LECTIONES.

^s illis viginti quinque. R.ⁱ voluerint. R.^h prohibemus. R.^k de illis viginti quinque. R.

In omnibus autem que istis viginti quinque baronibus committuntur exequenda si forte ipsi viginti quinque presentes fuerint et inter se super re aliqua discordaverint vel aliqui ex eis summoniti nolint vel nequeant interesse ratum habeatur et firmum quod major pars eorum qui presentes fuerint providerit vel preceperit ac si omnes viginti quinque in hoc consensissent et predicti viginti quinque jurent quod omnia antedicta fideliter observabunt et pro ¹ toto posse suo facient observari Et nos nichil impetrabimus ab aliquo per nos nec per alium per quod aliqua istarum concessionum ^m et libertatum revocetur vel minuatur et si aliquid tale impetratum fuerit irritum sit et inane et numquam eo utemur per nos nec per alium Et omnes malas voluntates indignationes et rancores ortos inter nos ⁶² et homines nostros clericos et laicos a tempore discordie plene omnibus remisimus et condonavimus Preterea omnes transgressionem factas occasione ⁿ ejusdem discordie a pascha anno regni nostri sextodecimo usque ad pacem reformatam plene remisimus omnibus clericis et laicis et quantum ad nos pertinet plene condonavimus Et insuper fecimus eis fieri litteras testimoniales patentes domini Stephani Cant' archiepiscopi domini Henrici Dublin' archiepiscopi et episcoporum predictorum et magistri Pandulfi super securitate ista et concessionibus prefatis Quare volumus et firmiter precipimus ⁶³ quod Anglicana ecclesia libera sit et quod homines in regno nostro habeant et teneant omnes prefatas libertates jura et concessionem bene et in pace libere et quiete plene et integre sibi et heredibus suis de nobis et heredibus nostris in omnibus rebus et locis in perpetuum sicut predictum est Juratum est autem tam ex parte nostra quam ex parte baronum quod hec omnia supradicta bona

xlix.

V A R I A E L E C T I O N E S.

¹ tote. R.ⁿ hujus. R.^m vel. R.

fide et sine malo ingenio observabuntur Testibus supradictis et multis aliis Data per manum nostram in prato quod vocatur °Runingmed' inter °Windelesorum et Stanes quinto decimo die Junii anno regni nostri septimo decimo. °

VARIÆ LECTIONES.

° Runigmed. R.

° Windelesore. R.

° Et ne huic forme predictæ aliquid possit addi vel ab eadem aliquid possit subtrahi vel minui huic scripto sigilla nostra apposuimus. R.



C O N V E N T I O
I N T E R
R E G E M J O H A N N E M
E T
B A R O N E S.



EC est conventio facta inter dominum Johannem regem Anglie ex una parte et Robertum filium Walteri marescallum excercitus Dei et sancte ecclesie in Anglia et Ricardum comitem de Clara Gaufridum comitem Essex' et Glouc' Rogerum Bigot comitem Northfolc' et Suthfolc' Saherum comitem Wint' Robertum comitem Oxon' Henricum comitem Hereford' et barones subscriptos scilicet Willielmum Mariscallum juniorem Eustachium de Vescy Willielmum de Mobray Johannem filium Roberti Rogerum de Monte Begonis Willielmum de Lanvalay et alios comites et barones et liberos homines totius regni ex altera parte videlicet quod ipsi comites et barones et alii prescripti tenebunt

bunt civitatem London' de baillio domini regis salvis interim domino regi firmis redditibus et clavis debitis suis usque ad assumptionem beate Marie anno regni ipsius regis xvii^{mo} et dominus Cant' tenebit similiter de baillio domini regis turrin London' usque ad predictum terminum salvis civitati London' libertatibus suis et liberis consuetudinibus suis et salvo cuilibet jure suo in custodia turris London' et ita quod interim non ponat dominus rex munitionem vel vires alias in civitate predicta vel in turri London' Fiant etiam infra predictum terminum sacramenta per totam Angliam viginti quinque baronibus sicut continentur in carta de libertatibus et securitate regno concessis vel attornatis viginti quinque baronum sicut continentur in literis de duodecim militibus eligendis ad delendum malas consuetudines de forestis et aliis Et preterea infra eundem terminum omnia que comites et barones et alii liberi homines petunt a domino rege que ipse dixerit esse reddenda vel que per xxv barones aut per majorem partem eorum judicata fuerint esse reddenda reddantur secundum formam predictae carte Et si hec facta fuerint vel per dominum regem non steterit quo minus ista facta fuerint infra predictum terminum tunc civitas et turris London' ad eundem terminum statim reddantur domino regi salvis predictae civitati libertatibus suis et liberis consuetudinibus suis sicut prescriptum est Et si hec facta non fuerint et per dominum regem steterit quod ista non fiant infra predictum terminum barones tenebunt civitatem predictam et dominus archiepiscopus turrin London' donec predicta compleantur Et interim omnes ex utraque parte recuperabunt castra terras et villas quas habuerunt in initio guerre orte inter dominum regem et barones.

M A G N A C A R T A
REGIS HENRICI III,

XII DIE NOVEMBRIS, MCCXVI,

ANNO REGNI I.



ENRICUS Dei gratia rex Anglie dominus
Hybernie dux Normannie ^a Aquitanie et co-
mes Andegavie archiepiscopis episcopis ab-
batibus comitibus baronibus justiciariis fo-
restariis vicecomitibus prepositis ministris
^b ballivis et ^c omnibus fidelibus suis salutem
Sciatis nos intuitu Dei et pro salute anime
nostre et omnium antecessorum et successorum nostrorum ad hono-
rem Dei et exaltationem sancte ecclesie et emendationem regni nos-
tri per consilium venerabilium patrum nostrorum domini Gualonis
titulo sancti Martini presbiteri cardinalis apostolice sedis legati Petri
Winton' ^d R. de sancto Asapho J. Bathon' et Glafton' S. Exon' R.

VARIAE LECTIONES,

desumptae ex Libro rubro Scaccharii Dublin. signantur Litera D.

^a et Aquitanie comes. D.
^b civibus ballivis. D.

^c *deest* omnibus. D.
^d L. D.

Cicestr'

Cicestr' W. Coventr' ° B. Roff' H. f Landav' Menevens' Bangor' et S. Wygorn' episcoporum et nobilium virorum Willielmi Marefcalli comitis Penbroc' Ranulfi comitis Cestr' Willielmi de Ferrar' comitis ° Dereb' Willielmi comitis ° Albemarle Huberti de Burgo Justiciarii nostri ° Savarici de Malo Leone Willielmi ° Brigwerr' patris Willielmi ° Brigwerr' filii Roberti de Curtenai Falkefii de Breante Reginaldi de Vautort Walteri de ° Lascy Hugonis de Mortuo Mari Johannis de Monemute Walteri de ° Bello Campo Walteri de Clifford Roberti de Mortuo Mari Willielmi de Cantilup' Mathei filii Hereberti Johannis Mariscalli Alani Basset Philippi de Albinaco Johannis Extranei et aliorum fidelium nostrorum

i rum Inprimis concessisse Deo et hac presenti carta nostra confir- i.
masse pro nobis et heredibus nostris inperpetuum quod ° Anglicana ecclesia libera sit et habeat jura sua integra et libertates suas illesas Concessimus etiam omnibus liberis hominibus ° regni nostri pro nobis et heredibus ° nostris inperpetuum omnes libertates subscriptas habendas et tenendas eis et heredibus suis de nobis et heredibus

2 nostris Si quis comitum vel baronum nostrorum five aliorum te- ii.
nentium de nobis in capite per servicium militare mortuus fuerit et cum decesserit heres suus plene etatis fuerit et relevium ° debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de ° baronia integra per centum libras heres vel heredes militis de ° feodo militis integro per centum solidos ad plus

VARIÆ LECTIONES.

° W. Roffen'. D.
f London. D.
° de Derbia. D.
° de Aubomarle. D.
° Savantii. D.
° Bruerie. D.
° Bruerie. D.
° Laci. D.

° Beuchamp. D.
° Hybernica. D.
° de regno nostro. D.
° deest nostris. D.
° debeat. D.
° baronia baronis integra. D.
° feudo. D.

et

- et qui minus debuerit minus det secundum antiquam consuetudinem feodorum Si autem heres alicujus talium fuerit infra etatem dominus ejus non habeat custodiam ^u ejus nec terre sue antequam homagium ejus ceperit et postquam talis heres fuerit in custodia ^w cum ad etatem pervenerit scilicet viginti ^x unius ann' habeat hereditatem suam sine relevio et sine fine ita tamen quod si ipse dum infra etatem fuerit ^y fiat miles nichilominus terra remaneat in custodia domini sui usque ad terminum predictum Custos terre ^r hujusmodi heredis qui infra etatem fuerit non capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines et rationabilia servicia et hoc sine destructione ^a et vasto hominum vel rerum et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre illius nobis respondere debeat et ille destructionem de custodia fecerit vel vastum nos ab ^b illo capiemus emendam et ^c terra committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus nobis respondeant vel ei cui ^d illos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem inde fecerit vel vastum amittat ^e ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis ^f respondeant sicut predictum est Custos autem quamdiu custodiam terre habuerit sustentet domos parcos ^g vivarios stagna molendina et cetera ad illam terram pertinentia de exitibus terre ejusdem et ^h reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam

V A R I A E L E C T I O N E S.

- ^u ipsius. D.
^w *deest* cum. D.
^x et unius annorum. D.
^y *deest* fiat. D.
^z hujus et heredis. D.
^a vel. D.
^b eo. D.

- ^c terra illa. D.
^d nos assignaverimus. D.
^e custodiam illam. D.
^f inde respondeant. D.
^g vivaria stagna. D.
^h reddet. D.

de carucis et omnibus aliis rebus ad minus secundum quod illam
recepit Hec omnia observentur de ⁱ custodiis archiepiscopatum
episcopatum abbatiarum prioratum ecclesiarum et ^k dignitatum va-
6 cantium excepto quod custodie ^l hujusmodi vendi non debent He- vi.
7 redes maritentur absque disparagatione Vidua post mortem ma- vii.
riti sui statim et sine ^m difficultate aliqua habeat maritagium suum
et hereditatem suam nec aliquid det pro dote sua vel ⁿ pro ma-
ritagio vel hereditate sua quam hereditatem maritus suus et ipsa ^o te-
nuerint die obitus ipsius mariti et maneat ^p in domo mariti sui per
quadraginta dies post mortem ipsius mariti sui infra quos ei assign-
netur dos sua nisi prius ei fuerit assignata vel nisi domus illa ^q sit
castrum et si de castro recesserit statim provideatur ei domus com-
petens in qua possit honeste morari quousque dos sua ei assignetur
8 secundum quod predictum est Nulla vidua distringatur ad se ma- viii.
ritandum dum voluerit vivere sine marito ita tamen quod securita-
tem ^r faciet quod se non maritabit sine assensu nostro si de nobis
9 tenuerit vel sine assensu domini sui si de alio tenuerit Nos ^s vero ix.
vel ballivi nostri non saisiemus terram aliquam nec redditum pro
debito aliquo quamdiu catalla debitoris presentia sufficiunt ad de-
bitum reddendum et ipse debitor paratus ^t sit inde satisfacere nec
^u plegii ipsius debitoris ^v distringantur quamdiu ipse capitalis debi-
tor ^x sufficiat ad solutionem debiti et si capitalis debitor defecerit
in solutione ^y debiti non habens unde reddat aut reddere ^z nolit cum
possit plegii respondeant de debito et si voluerint habeant terras et

VARIAE LECTIONES.

ⁱ custodia. D.
^k dignitatum. D.
^l hujus. D.
^m dilatione. D.
ⁿ deest pro. D.
^o tenuerunt. D.
^p vidua in. D.
^q fuerit. D.

^r faciat. D.
^s deest vero. D.
^t deest sit. D.
^u plegium. D.
^v distringatur. D.
^x sufficit. D.
^y deest debiti. D.
^z noluerit. D.

redditus

- redditus debitoris quousque sit eis satisfactum de debito quod ante pro eo ^a solverint nisi capitalis debitor monstraverit se ^b inde esse quietum versus eosdem plegios Civitas ^c London' habeat omnes antiquas libertates et liberas consuetudines suas Preterea volumus et concedimus quod omnes alie ^d civitates et burgi et ville et barones de quinque portibus et omnes portus habeant omnes libertates et liberas consuetudines suas Nullus distringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam inde debetur Communia placita non sequantur curiam nostram sed teneantur in aliquo certo loco Recognitiones de nova disseisina de morte antecessoris ^e de ultima presentatione non capiantur nisi in suis comitatibus et hoc modo Nos vel si extra regnum fuerimus capitalis justiciarius noster mittemus duos justiciarios per unumquemque comitatum per quatuor vices in anno qui cum quatuor militibus cujuslibet comitatus electis per comitatum capiant ^f in comitatu in die et loco comitatus assisas predictas Et si in die comitatus assise predictae capi non ^g possint tot milites et libere tenentes remaneant de illis qui ^h interfuerint comitatu die illo per quos possint sufficienter judicia fieri secundum quod negotium fuerit majus vel minus Liber homo non amercietur pro parvo delicto nisi secundum modum ⁱ ipsius delicti et pro magno delicto secundum magnitudinem delicti salvo contenemento suo et mercator eodem modo salva ^k mercandisia sua et villanus eodem modo amercietur salvo ^l wainnagio suo si inciderit in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum
- xiii. 10
xvi. 11
xvii. 12
xviii. 13
xix. 14
xx. 15

VARIAE LECTIONES.

^a solverunt. D.^b deest inde. D.^c Dublin'. D.^d civitates ville et burgi et omnes portus. D.^e et de. D.^f et in comitatu et. D.^g possunt. D.^h interfuerunt. D.ⁱ deest ipsius. D.^k mercandisia. D.^l wannagio. D.

- 16 rum et legalium hominum de visneto Comites et barones non a- xxi.
 mercientur nisi per pares suos et non nisi secundum modum delicti
- 17 Nullus clericus amercietur nisi secundum formam predictorum et xxii.
- 18 non secundum quantitatem beneficii sui ecclesiastici Nec villa nec xxiii.
 homo ^m distringatur facere pontes ad riparias nisi qui ab antiquo et
- 19 de jure facere ^a debet Nullus vicecomes constabularius coronatores xxiv.
- 20 vel alii ballivi nostri teneant placita corone nostre Si aliquis tenens xxvi.
 de nobis laicum feodum moriatur et vicecomes vel ballivus noster
 ostendat literas nostras patentes de summonitione nostra de debito
 quod defunctus nobis debuit liceat vicecomiti vel ballivo nostro at-
 tachiare et imbreviare catalla defuncti inventa in laico feodo ad va-
 lentiam illius debiti per visum legalium hominum ita tamen quod
 nichil inde amoveatur donec persolvatur nobis debitum quod cla-
 rum fuerit et residuum relinquatur executoribus ad faciendum tes-
 tamentum defuncti et si nichil ^o nobis debeatur ab ipso omnia ca-
 talla cedant defuncto salvo uxori ^p ipsius et pueris suis rationabilibus
- 21 partibus suis Nullus constabularius vel ejus ballivus capiat blada xxviii.
 vel alia catalla alicujus qui non sit de villa ubi castrum suum est nisi
 statim inde reddat denarios ^a aut respectum inde habere possit de vo-
 luntate venditoris si autem de villa fuerit teneatur infra tres septi-
- 22 manas precium reddere Nullus constabularius distringat aliquem xxix.
 militem ad dandum denarios pro custodia castri si ipse eam facere
 voluerit in propria persona sua vel per alium probum hominem si
 ipse eam facere non possit propter rationabilem causam et si nos
 duxerimus vel miserimus eum in exercitum erit quietus de custo-
 dia secundum quantitatem temporis quo per nos fuerit in exercitu
- 23 Nullus vicecomes vel ballivus noster vel alius capiat equos vel ca- xxx.

VARIÆ LECTIONES.

^m distringatur. D.
^a debent. D.
^o *desse* nobis. D.

^p sue. D.
^a vel. D.

rectas

- rectas alicujus pro cariagio faciendo nisi reddat liberationem antiquitus statutam scilicet pro carecta ad duos equos decem denarios per diem et pro carecta ad tres equos quatuordecim denarios per diem Nec nos nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda nostra nisi per voluntatem ipsius cujus bosculus ille fuerit Nos non tenebimus terras * eorum qui convicti fuerint de feloniam nisi per unum annum et unum diem et tunc reddantur terre dominis feodorum * Omnes kydelli de cetero deponantur penitus per Thamisiam et Medeweiam et per totam Angliam nisi per costeram maris Breve quod vocatur Precipe de cetero non fiat alicui de aliquo tenemento unde liber * homo amittere possit curiam suam Una mensura vini sit per totum regnum nostrum et una mensura cervisie et una mensura bladi scilicet quarterium " London' et una latitudo pannorum tinctorum " et ruffetorum * et haubergettorum scilicet due ulne infra listas De ponderibus autem sit ut de mensuris Nichil detur de cetero pro brevi inquisitionis de vita vel membris sed gratis concedatur et non negetur Si aliquis teneat de nobis per feodi firmam vel ' fokagium vel per burgagium et de alio terram teneat per servitium militare * nos non habebimus custodiam heredis nec terre sue que est de feodo alterius occasione illius feodi firme vel * fokagii vel burgagii nec habebimus custodiam illius feodi firme vel ' fokagii vel burgagii nisi ipsa feodi firma debeat servitium militare Nos non habebimus custodiam heredis vel terre alicujus quam tenet de alio per servitium militare occasione alicujus parve ' serjanterie quam tenet de nobis per servitium reddendi nobis

VARIÆ LECTIONES.

- * illorum. D.
 * Et omnes kydelli deponantur de cetero per totam Avenlich et per totam Hyberniam nisi. D.
 * *deest* homo. D.
 * Dublin'. D.
 * *deest* et. D.

- * *deest* et. D.
 * focagium. D.
 * nec habebimus. D.
 * foccagii. D.
 * foccagii. D.
 * serjantie. D.

- 31 cultellos vel sagittas vel hujusmodi Nullus ballivus ponat de cete-
ro aliquem ad legem simplici loquela ^d sua sine testibus fidelibus ad xxxviii.
- 32 hoc inductis Nullus liber homo capiatur vel imprisonetur ^e aut xxxix.
disseisiatur aut utlagetur aut exulet aut aliquo alio modo destruatur
nec super eum ibimus nec super eum mittemus nisi per legale judi-
- 33 cium parium suorum vel per legem terre Nulli vendemus nulli xl.
negabimus aut differemus rectum aut justiciam Omnes mercatores xli.
- 34 nisi publice ^f ante prohibiti fuerint habeant saluum et securum ex-
ire de ^g Anglia et venire in ^h Angliam et morari et ire per ⁱ Angliam
tam per ^k terram quam per aquas ad emendum et vendendum sine
omnibus malis tollis per antiquas et rectas consuetudines preter-
quam in tempore guerre et si sint de terra contra nos guerrina et si
tales inveniuntur in terra nostra in principio guerre attachientur sine
dampno corporum vel rerum donec sciatur a nobis vel a capitali
justiciario nostro quomodo mercatores terre nostre tractentur qui
tunc inveniuntur in terra contra nos guerrina et si nostri salvi sint
- 35 ibi alii salvi sint in terra nostra Si quis tenuerit de aliqua escaeta xliii.
sicut de honore Walingeford Notingham Bolon' Lancastr' vel ^l de
aliis escaetis que sunt in manu nostra et sunt baronie et obierit he-
res ejus non det aliud relevium nec faciat nobis aliud servitium
quam faceret baroni si terra illa esset in manu baronis et nos eodem
- 36 modo eam tenebimus quo baro eam tenuit Homines qui manent xliv.
extra forestam non veniant de cetero coram justiciariis nostris de
forestis per communes summonitiones nisi sint in placito vel plegii
- 37 alicujus vel aliquorum qui attachiati ^m sunt pro foresta Omnes ⁿ ba- xlv.

VARIÆ LECTIONES.

^d *deest* sua. D.
^e vel. D.
^f antea. D.
^g Hybernia. D.
^h Hyberniam. D.

ⁱ Hyberniam. D.
^k terras. D.
^l *deest* de. D.
^m sint. D.
ⁿ homines qui fundaverint. D.

rones

rones qui fundaverint abbatias unde habent cartas regum Anglie vel antiquam tenuram habeant earum custodiam cum vacaverint sicut
 xlvii. habere debent et sicut supra declaratum est Omnes foreste que af- 38
 forestate sunt tempore regis Johannis patris nostri statim deaffores-
 tentur et ita fiat de ° ripariis que per eundem Johannem tempore
 liv. suo ° posite sunt in defenso Nullus capiatur vel imprisonetur prop- 39
 lvi. ter appellum femine de morte alterius quam viri sui ° Et si rex Jo- 40
 hannes pater noster disfaifierit vel elongaverit Wallenses de terris vel
 libertatibus vel aliis rebus sine legali judicio parium suorum in An-
 glia vel in Wallia eis statim reddantur et si contentio super hoc orta
 fuerit tunc inde fiat in marchia per judicium parium suorum de te-
 nementis Anglie secundum legem Anglie de tenementis Wallie se-
 cundum legem Wallie de tenementis marchie secundum legem mar-
 chie idem facient Wallenses nobis et nostris Omnes autem istas 41
 consuetudines predictas et libertates quas ° nos concessimus in regno
 nostro tenendas quantum ad nos pertinet erga nostros omnes de reg-
 no nostro tam clerici quam laici ° observent quantum ad se pertinet
 erga suos Quia vero quedam capitula in ° priore carta contineban- 42
 tur que gravia et dubitabilia videbantur scilicet de scutagiis et auxi-
 liis assidendis de debitis Judeorum et aliorum et de libertate exeun-
 di de regno nostro ° vel redeundi in ° regnum et de forestis et fores-
 tariis ° warennis et warennariis ° et de consuetudinibus comitatum
 et de ripariis et earum custodibus placuit supradictis prelatiis et mag-
 natibus ea esse in respectu quousque plenius consilium habuerimus
 et tunc faciemus plenissime tam de hiis quam de aliis que occurre-

VARIAE LECTIONES.

° gruariis qui. D.

° positi. D.

° defunt Et si rex, &c., usque ad nobis et nostris. D.

° deest nos. D.

° conservent. D.

° priori. D.

° et. D.

° regnum nostrum de. D.

° de warennis. D.

° deest et. D.

rint

rint emendanda ^a que ad communem omnium utilitatem ^a pertinuerint et pacem et statum nostrum et regni nostri Quia vero sigillum nondum habuimus presentem cartam sigillis venerabilis patris nostri domini Gualonis titulo sancti Martini presbiteri cardinalis apostolice sedis legati et Willielmi Mariscalli comitis Penbrok' rectoris nostri et regni nostri fecimus sigillari Testibus omnibus prenomi-
natis et aliis multis Dat' per ^b manus predictorum domini legati et Willielmi Mariscalli ^c comitis Penbr' apud Bristollum duodecimo die Novembris anno regni nostri primo.

VARIAR LECTIONES.

^a id quod ad. D.
^a pertinuerit. D.

^b manum. D.
^c defunct comitis Penbr'. D.



M A G N A C A R T A
R E G I S H E N R I C I I I I

A L T E R A,

A N N O D O M I N I M C C X V I I .



ENRICUS Dei gracia rex ^a Anglie dominus Hibernie dux Normannie Aquitanie et comes Andegavie archiepiscopis episcopis abbatibus prioribus comitibus baronibus vicecomitibus prepositis ministris et omnibus baillivis et fidelibus suis presentem cartam inspecturis salutem Sciatis quod intuitu Dei et pro salute anime nostre et animarum antecessorum et successorum nostrorum ad exaltationem ^b sancte ecclesie et emendationem regni nostri ^c concessimus et hac presenti carta confirmavimus pro nobis et heredibus nostris in perpetuum de consilio venerabilis patris nostri domini ^d Gualonis titulo sancti Martini presbiteri cardinalis et apostolice sedis legati domini Walteri Eborum archiepiscopi Willielmi London' episcopi et aliorum episcoporum Anglie et Willielmi

V A R I A E L E C T I O N E S,

desumptae ex Libro Custumarum et Regum antiquorum London. signantur Litera L.

^a Anglie, &c, archiepiscopis. L.

^b deest sancte. L.

^c concedimus. L.

^d Gwallonis. L.

K

^e Mariscalli

- * Mariscalli comitis Pembr' rectoris nostri et regni nostri et aliorum
fidelium comitum et baronum nostrorum Anglie has libertates sub-
1 scriptas tenendas in regno nostro Anglie in perpetuum In primis i.
f concessimus Deo et hac presenti carta nostra confirmavimus pro no-
bis et heredibus nostris in perpetuum quod Anglicana ecclesia libera
sit et habeat jura sua integra et libertates suas illesas Concessimus
etiam omnibus liberis hominibus regni nostri pro nobis et heredibus
nostris in perpetuum omnes libertates subscriptas * tenendas eis et
2 heredibus suis ^b de nobis et heredibus nostris Si quis comitum vel ii.
baronum nostrorum sive aliorum tenentium de nobis in capite per
servicium militare mortuus fuerit et cum decesserit heres ejus plene
etatis fuerit et relevium debeat habeat hereditatem suam per anti-
quum relevium scilicet heres vel heredes comitis de ⁱ baronia comi-
tis integra per centum libras heres vel heredes baronis de baronia
integra ^k per centum ^l libras heres vel heredes militis de feodo ^m mi-
litis integro ⁿ per centum solidos ad plus et qui minus debuerit mi-
3 nus det secundum antiquam consuetudinem feodorum Si autem iii.
heres alicujus talium fuerit infra etatem dominus ejus non habeat
custodiam ejus nec terre sue antequam homagium ejus ceperit et
postquam talis heres ^o fuerit in custodia cum ad etatem pervenerit
scilicet viginti et unius anni habeat hereditatem suam sine relevio
et sine fine ^p ita tamen quod si ipse infra etatem fuerit fiat miles
nichilominus terra remaneat in custodia dominorum suorum usque
4 ad terminum predictum Custos terre hujusmodi heredis qui infra iv.
etatem fuerit non capiat de terra heredis nisi rationabiles exitus et

VARIARUM LECTIONES.

- * Marefcalli comitis de Penbrok'. L.
f concedimus. L.
g habendas et tenendas. L.
h defunt de nobis et heredibus nostris. L.
i comitatu integro centum. L.
k deest per. L.

- ⁱ marcas. L.
^m militari. L.
ⁿ deest per. L.
^o defunt fuerit in custodia cum. L.
^p defunt ita tamen, &c., usque ad terminum pre-
dictum. L.

rationabiles

- rationabiles consuetudines et rationabilia servicia et hoc sine destructione ¹ et vasto hominum vel rerum et si ² nos commiserimus custodiam alicujus ³ alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre ⁴ illius nobis debeat respondere et ille destructionem de custodia fecerit vel vastum nos ab illo capiemus ⁵ emendam et terra ⁶ committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus nobis respondeant vel ⁷ ei cui eos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem inde fecerit vel vastum amittat ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo
- v. illo qui similiter nobis respondeant sicut predictum est Custos autem quamdiu custodiam terre habuerit sustentet domos parcos ⁸ vivos stagna molendina et cetera ad terram illam pertinentia de exitibus terre ejusdem et reddat heredi cum ad plenam etatem pervenerit terram suam ⁹ totam instauratam de carucis et omnibus aliis rebus ad minus ¹⁰ secundum quod illam recepit Hec omnia observentur de custodiis archiepiscopatum episcopatum abbaciarum prioratum ecclesiarum et dignitatum vacantium ¹¹ que ad nos pertinent
- vi. excepto quod custodie hujusmodi vendi non debent Heredes mar-
- vii. ritentur absque disparagatione Vidua post mortem mariti sui statim et sine difficultate aliqua habeat maritagium suum et hereditatem suam nec aliquid det pro dote sua et pro maritagio suo ¹² vel hereditate sua quam hereditatem maritus suus et ipsa tenuerint die obitus ¹³ ipsius mariti et maneat in capitali ¹⁴ mesuagio mariti sui per

VARIARUM LECTIONES.

¹ vel. L.² deest nos. L.³ deest alicujus. L.⁴ deest illius. L.⁵ emendas. L.⁶ committabitur. L.⁷ illi cui illos. L.⁸ vivaria. L.⁹ deest totam. L.¹⁰ sicut illam. L.¹¹ qui. L.¹² et. L.¹³ mariti sui. L.¹⁴ mesuagio suo per. L.

- xl dies post obitum ipsius mariti ^f sui infra quos assignetur ei dos sua nisi prius fuerit ei assignata vel nisi domus illa ^g sit castrum et ^h si de castro ⁱ recesserit ^k statim provideatur ei domus competens in qua possit honeste morari quousque dos sua ei assignetur secundum quod predictum est et habeat rationabile estuverium suum interim de communi Assignetur ^l autem ei pro dote sua tertia pars totius terre mariti sui que sua fuit in vita sua nisi de minori dotata fuerit ad
- 8 ^m ostium ecclesie Nulla ⁿ vidua distringatur ad se maritand' dum viii.
voluerit vivere sine marito ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro si de nobis tenuerit vel sine as-
- 9 sensu domini sui si de alio tenuerit Nos vero vel baillivi nostri ix.
non faisiemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris presentia sufficiunt ad debitum reddendum et ipse debitor paratus sit inde satisfacere nec plegii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficiat ad solutionem debiti et si capitalis debitor defecerit in solutione debiti non habens unde reddat aut reddere nolit cum possit plegii respondeant pro debito et si voluerint habeant terras et redditus debitoris quousque sit eis satisfactum de debito quod ante pro eo solverint nisi capitalis debitor monstraverit se inde esse quietum versus eosdem plegios
- 10 Civitas London' habeat omnes antiquas libertates et liberas x.
consuetudines suas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et barones de quinque ^o portibus et omnes portus habeant omnes libertates et liberas consuetudines suas
- 11 Nullus distringatur ad faciendum majus servitium de feodo militis xi.
- 12 nec de alio libero tenemento quam inde debetur Communia pla- xii.

V A R I A E L E C T I O N E S.

^f *deest* sui. L.
^g *fuerit.* L.
^h *deest* si. L.
ⁱ *decesserit.* L.
^k *deest* statim. L.

^l *deest* autem. L.
^m *hostium.* L.
ⁿ *deest* vidua. L.
^o *portubus.* L.

cita

- cita non sequantur curiam nostram sed teneantur in aliquo loco certo Recognitiones de nova disseisina de morte antecessoris non capi-
 xlii. piantur nisi in suis comitatibus ^p et hoc modo Nos ^q vel si extra 13
 regnum fuerimus ^r capitalis iusticiarius noster mittemus iusticiarios
 per unumquemque comitatum semel in anno qui cum militibus ^s co-
 xiv. mitatum capiant in comitatibus assisas predictas Et ea que in illo 14
 adventu suo in comitatu per iusticiarios predictos ad dictas assisas
 capiendas missos terminari non possunt per eosdem terminentur ali-
 bi in itinere suo et ea que per eosdem propter difficultatem aliquo-
 rum articulorum ^t terminari non possunt referantur ad iusticiarios
 nostros de banco et ibi terminentur Assise de ultima presentatione 15
 semper ^u capiantur coram iusticiariis de banco et ibi terminentur
 xv. Liber homo non amercietur pro parvo delicto nisi secundum mo- 16
 dum ipsius delicti et pro magno delicto secundum magnitudinem
 delicti salvo contenemento suo et mercator eodem modo salva mer-
 candisa sua et villanus alterius quam noster eodem modo amercietur
 salvo ^v wainagio suo si inciderit in misericordiam nostram et nulla
 predictarum misericordiarum ponatur nisi per sacramenta proborum
 xvi. et legalium hominum de visneto Comites et barones non amer- 17
 cientur nisi per pares suos et non nisi secundum modum delicti
 xvii. Nulla ecclesiastica persona amercietur secundum quantitatem bene- 18
 ficii sui ecclesiastici sed secundum laicum tenementum suum et se-
 xviii. cundum quantitatem delicti Nec villa nec homo distringatur face- 19
 re pontes ^x ad riparias nisi qui ab antiquo et de jure facere debet
 Nulla riparia de cetero defendatur nisi ^y illa que fuerunt in defenso 20
 tempore Henrici regis avi nostri per eadem loca et eosdem terminos

VARIÆ LECTIONES.

^p *desunt* et hoc modo. L.
^q *desit* vel. L.
^r et capitalis. L.
^s comitatus. L.
^t terminare. L.

^u capientur. L.
^v waynagio. L.
^x aut. L.
^y illa que fuerit. L.

L

sicut

- 21 ficut esse consueverunt tempore suo Nullus vicecomes constabularius coronatores vel alii baillivi nostri teneant placita corone nostre xix.
- 22 Si aliquis tenens de nobis laicum feodum moriatur et vicecomes vel baillivus noster ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat vicecomiti vel baillivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum ita tamen quod ^a nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti et si ^a nichil nobis debeatur ab ipso omnia catalla cedant defuncto salvis uxori ipsius ^b rationabilibus partibus suis Nullus constabularius vel baillivus ejus capiat blada ^c aut alia catalla alicujus qui non sit de villa ubi castrum situm est nisi statim inde reddat denarios aut respectum inde habere possit de voluntate venditoris si autem de villa ipsa fuerit infra xl dies precium reddat xxi.
- 24 Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri si ipse eam facere voluerit in propria persona ^d sua vel per alium probum hominem si ipse eam facere non possit propter rationabilem causam et si nos duxerimus eum vel miserimus in ^e exercitum erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in ^f exercitu de feodo pro quo fecit servicium in ^g exercitu Nullus vicecomes vel baillivus noster vel alius capiat equos vel ^h caretas alicujus pro cariagio faciendo nisi reddat liberationem antiquitus statutam scilicet pro ⁱ caretta ad duos equos decem denarios per diem et ^k pro caretta ad tres equos quatuordecim denarios per diem Nulla caretta dominica alicujus ecclesiasti-
- 25 xxiii.
- 26 xxii.

V A R I A E L E C T I O N E S.

^a inde nil. L.^a nil. L.^b et pueris suis rationabilibus. L.^c vel. L.^d deest sua. L.^e exercitum. L.^f exercitu. L.^h caretas. L.ⁱ caretta. L.^k de caretta. L.

- ce persone vel militis vel alicujus domine capiatur per baillivos pre-
 dictos Nec nos nec baillivi nostri nec alii capiemus alienum bos- 27
 cum ad castra vel alia agenda nostra nisi per voluntatem ¹ illius cu-
 jus boscus ^m ille fuerit Nos non tenebimus ⁿ terras eorum qui con- 28
 victi ^o fuerunt de feloniam nisi per unum annum et unum diem et
 tunc reddantur terre dominis feodorum Omnes ^p kidelli de cetero 29
 deponantur penitus per ^q Tamisiam vel Medewaiam et per totam
 Angliam nisi per costeram maris Breve quod vocatur Precipe de 30
 cetero non fiat alicui de aliquo tenemento unde liber homo perdat
 curiam suam Una mensura vini sit per totum regnum nostrum et 31
 una mensura cervisie et una mensura bladi scilicet quarterium Lon-
 don' et una latitudo pannorum tinctorum ^r et ruffetorum et hau-
 bergetorum scilicet due ulne infra listas De ponderibus vero sit ut
 de mensuris Nichil detur de cetero pro brevi inquisitionis ab eo 32
 qui inquisitionem petit de vita vel membris sed gratis concedatur et
 non negetur Si aliquis teneat de nobis per feodifirmam vel ^s foc- 33
 cagium vel per burgagium et de alio teneat terram per servitium
 militare nos non habebimus custodiam heredis nec terre sue que est
 de feodo alterius occasione illius feodifirme vel ^t foccagii vel burga-
 gii nec habebimus custodiam illius feodifirme vel ^u foccagii vel bur-
 gagii nisi ipsa feodifirma debeat servitium militare Nos non habe-
 bimus custodiam heredis vel terre alicujus quam tenet de alio per
 servitium militare occasione alicujus parve ^w serjantarie quam tenet
 de nobis per servitium reddendi cultellos vel sagittas vel hujusmodi
 Nullus baillivus ponat de cetero aliquem ad legem manifestam nec 34

VARIAR LECTIONES.

¹ ipsius. L.^m deest ille. L.ⁿ terram. L.^o fuerint. L.^p kydelli. L.^q Thamisiam & Medeweyam. L.^r deest et. L.^s per focagium. L.^t focagii. L.^u focagii. L.^w serjantie. L.

- ad iuramentum simplici loquela sua sine testibus * fidelibus ad hoc
- 35 inductis Nullus liber homo capiatur vel imprisonetur aut dissaisie- xxxii.
tur de libero tenemento suo vel libertatibus vel liberis consuetudini-
bus suis aut utlagetur aut exuletur aut aliquo ^v alio modo destrua-
tur nec super eum ibimus nec super eum mittemus nisi per legale
- 36 iudicium parium suorum ^a vel per legem terre Nulli vendemus xxxiii.
37 nulli negabimus aut differemus rectum ^a aut iusticiam Omnes xxxiv.
mercatores nisi publice antea prohibiti fuerint habeant saluum et
securum conductum exire de Anglia et venire in Angliam et mora-
ri et ire per Angliam tam per terram quam per aquam ad ^b emen-
dendum vel vendendum sine omnibus toltis malis per antiquas et
rectas consuetudines preterquam in tempore guerre et si sint de ter-
ra contra nos ^c guerriva et si tales inveniantur in terra nostra in prin-
cipio ^d guerre ^e attachientur sine dampno corporum vel rerum do-
nec sciatur a nobis vel ^f a capitali iusticiario nostro quomodo mer-
catores terre nostre tractentur qui tunc inveniantur in terra contra
nos ^g guerriva et si nostri salvi sint ibi alii salvi sint in terra nostra
- 38 Si quis tenuerit de aliqua ^h excaeta sicut de honore ⁱ Walingford xxxv.
Bolon' ^k Notingham Lancastr' vel de aliis ^l escaetis que sunt in
manu nostra et sint baronie et obierit heres ejus non det aliud re-
levium nec faciet nobis aliud servitium quam faceret baroni si illa
esset in manu baronis et nos eodem modo eam tenebimus quo baro
eam tenuit nec nos occasione talis baronie vel ^m excaete habebimus
aliquam ⁿ excaetam vel custodiam aliquorum hominum nostrorum

VARIAR LECTIONES.

* *desunt* fidelibus ad hoc. L.^v *deest* alio. L.^a et. L.^a vel. L.^b vendendum et emendum. L.^c guerrina. L.^d *deest* guerre. L.^e attachiantur. L.^f *deest* a. L.^g guerrina. L.^h eschaeta. L.ⁱ Wallingfordie. L.^k *deest* Notingham. L.^l eschaetis. L.^m eschaete. L.ⁿ eschaetam. L.

nisi alibi tenuerit de nobis in capite ille qui tenuit baroniam vel
 ° excaetam Nullus liber homo de cetero det amplius alicui vel 39
 vendat de terra sua quam ut de residuo terre sue possit sufficienter
 fieri domino feodi servitium ei debitum quod pertinet ad feodum
 illud xxxvii. Omnes patroni abbatarum qui habent cartas regum Anglie 40
 de advocacione^p vel antiquam tenuram vel possessionem habeant ea-
 rum custodiam cum vacaverint sicut habere debent et sicut^q su-
 pra declaratum est xxxix. Nullus capiatur vel imprisonetur^r propter ap- 41
 pellum femine de morte alterius quam viri sui Nullus comitatus 42
 de cetero teneatur nisi de mense in mensem et ubi major terminus
 esse solebat major sit Nec aliquis vicecomes vel baillivus suus^s fa-
 ciat turnum suum per hundr^t nisi bis in anno et non nisi in loco
 debito et consueto videlicet semel post Pascha et iterum post fes-
 tum sancti Michaelis Et visus de franco plegio tunc fiat ad illum
 terminum sancti Michaelis sine occasione ita scilicet quod quilibet
 habeat libertates suas quas habuit et habere consuevit tempore Hen-
 rici regis avi nostri vel quas postea perquisivit Fiat autem visus de
 franco plegio sic videlicet quod pax nostra teneatur et quod tethin-
 ga integra sit sicut esse consuevit et quod vicecomes non querat oc-
 casiones et quod contentus sit de eo quod vicecomes habere con-
 suevit de visu suo faciendo tempore Henrici regis avi nostri Non 43
 liceat alicui de cetero dare terram suam alicui domui religiose ita
 quod illam resumat tenendam de eadem domo nec liceat alicui do-
 mui religiose terram alicujus sic accipere quod tradat eam illi a quo
 eam receperit tenendam Si quis autem de cetero terram suam ali-
 cui domui religiose sic dederit et super hoc convincatur donum
 suum penitus cassetur et terra illa domino suo illius feodi incurra-

VARIARUM LECTIONES.

° excaetam. L.

^p et per antiquam. L.^q superius. L.^r per. L.^s faciant. L.

M

tur

44 tur Scutagium capiatur de cetero sicut capi consuevit tempore
 45 Henrici regis avi nostri Omnes autem istas consuetudines predic- xli.
 tas et libertates quas concessimus in regno nostro tenendas quan-
 tum ad nos pertinet erga nostros omnes de regno nostro tam clerici
 46 quam laici ^t observent quantum ad se pertinet erga suos Salvis
 archiepiscopis episcopis abbatibus prioribus templariis ^u hospitalariis
 comitibus baronibus et omnibus aliis tam ecclesiasticis personis quam
 secularibus libertatibus et liberis consuetudinibus quas prius habue-
 47 runt Statuimus etiam de communi consilio totius regni nostri quod
 omnia castra adulterina ^v videlicet ea que a principio guerre mote
 inter dominum ^x Johannem patrem nostrum et barones ^y suos An-
 glie constructa fuerint vel ^z reedificata statim diruantur ^a Quia ve-
 ro nondum habuimus sigillum hanc figillis domini legati
 predicti et comitis Willielmi Mariscalli rectoris et regni nostri feci-
 mus sigillari.

VARIAR LECTIONES.

^t observant. L.
^u hospitalariis. L.
^v scilicet. L.
^x regem. L.
^y deest suos. L.
^z edificata. L.

^a Quia nondum sigillum habuimus presentem
 cartam sigillo venerabilis patris nostri G. titulo
 presbiteri cardinalis et apostolice sedis legati et
 Willielmi Marecalli rectoris nostri et regni nostri
 fecimus sigillari Testibus prenomatis et aliis. L.



MAGNA CARTA

REGIS HENRICI III,

XI DIE FEBRUARII, MCCXXIV,

ANNO REGNI IX.



ENRICUS ^aDei gracia rex Anglie domi-
nus ^bHybernie dux Normannie Aquitanie
et comes Andegavie archiepiscopis ^cepisco-
pis abbatibus prioribus comitibus baronibus
vicecomitibus prepositis ministris et omni-
bus ballivis et fidelibus suis presentem car-
tam inspecturis salutem Sciatis quod nos
intuitu Dei ^det pro salute anime nostre et animarum antecessorum

VARIAE LECTIONES,

*desumptae ex Carta autographa, in Ecclesia cathedrali Dunelmensi asservata, signantur Lite-
ra D: — ex Carta de Inspeximus, in Collegio Orielenfi, Litera O: — ex Intratione in Li-
bro rubro Scaccharii Westm. (fol. clxxxiiij.) Litera R: — ex Rotulo Stat. in Turri Lon-
don. 25 Ed. I. m. 39, 40, Litera et Numero T 25: — ex Rotulo Cart. ibid. 28 Ed. I.
m. 6, 7, Litera et Numero T 28: — ex utroque Rotulo, Literis TT: — ex Carta de
Inspeximus, in Ecclesia collegiata Westmonasteriensi, Litera W.*

^a EDWARDUS Dei gratia rex Anglie dominus	{ omnibus ballivis et fidelibus suis. O. T 28. W. }	} fa- lutem Inspeximus magnam cartam domini H. quondam regis Anglie patris nostri de libertatibus Anglie in hec verba HENRICUS &c. O. TT. W. ^b Hibernie, &c. R. W. ^c episcopis comiti- bus baronibus, &c, salutem. R. ^d deest et. R. et
Hybernie et dux Aquitanie { archiepiscopis epif-	{ omnibus ad quos }	
{ copis abbatibus prioribus comitibus baronibus }		
{ presentes litere pervenerint. T 25. . . . }		
{ justiciariis vicecomitibus prepositis ministris et }		

- et successorum nostrorum ad exaltationem sancte ecclesie et emendationem regni nostri spontanea et bona voluntate nostra dedimus et concessimus * archiepiscopis episcopis abbatibus prioribus comitibus baronibus et omnibus de regno nostro has libertates subscriptas
- I** tenendas in regno nostro Anglie ^f in perpetuum Inprimis concessimus Deo et hac presenti carta ^e nostra confirmavimus pro nobis et heredibus nostris ^h in perpetuum quod Anglicana ecclesia libera sit et habeat ⁱ omnia jura sua integra et libertates suas illesas Concessimus etiam ^k omnibus liberis hominibus regni nostri pro nobis et heredibus nostris ^l in perpetuum ^m omnes libertates subscriptas habendas et tenendas eis et heredibus suis de nobis et heredibus nostris ⁿ in perpetuum
- 2** Si quis comitum vel baronum nostrorum ^o five aliorum tenencium de nobis in capite per servitium militare mortuus fuerit et cum decesserit heres ejus plene etatis fuerit et relevium debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de ^p baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum ^q libras heres vel heredes militis de feodo militis integro per centum solidos ad plus et qui minus ^r debuerit minus det secundum antiquam consuetudinem feodorum
- 3** Si autem heres alicujus talium fuerit infra etatem dominus ejus non habeat custodiam ejus nec terre sue antequam homagium ejus ceperit et postquam talis heres fuerit in custodia cum ad etatem pervenerit scilicet viginti et unius ^s anni habeat hereditatem suam sine relevio et sine fine ita tamen

VARIAE LECTIONES.

* archiepiscopis, &c, et omnibus. R.
^f imperpetuum. D.O.R.TT.W.
^e *deest* nostra. R.
^h imperpetuum. D.O.R.TT.W.
ⁱ *deest* omnia. R.
^k et dedimus omnibus. O.R.TT.W.
^l imperpetuum. D.O.R.TT.W.
^m has libertates. O.TT.W.

ⁿ imperpetuum. O.TT.W. *desunt* in perpetuum. D.R.
^o seu. R.
^p comitatu integro. O.TT.W.
^q marcas. O.TT.W.
^r habuerit. O.TT.W.
^s annorum. O.

quod

- quod si ipse dum infra etatem fuerit fiat miles nichilominus terra remaneat in custodia dominorum suorum usque ad terminum predictum Custos terre huiusmodi heredis qui infra etatem fuerit non
 iv. capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines et rationabilia servicia et hoc sine destructione et vasto hominum ^t vel rerum et si nos commiserimus custodiam alicujus talis terre vicecomiti vel ^u alicui alii qui de exitibus terre illius nobis debeat respondere et ^w ille destructionem de custodia fecerit vel vastum nos ab ^x illo capiemus emendam et terra ^y committetur duobus legalibus et discretis hominibus de feodo illo qui de exitibus ^z nobis respondeant vel ^a ei cui eos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem ^b inde fecerit vel vastum amittat ^c ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut predictum est Custos autem quamdiu custodiam
 v. terre ^d habuerit sustentet domos parcos ^e vivaria stagna ^f molendina et cetera ad terram illam pertinencia de exitibus terre ejusdem et reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carucis et ^g omnibus aliis rebus ad minus ^h secundum quod illam recepit Hec omnia observentur de custodiis archiepiscopatum episcopatum abbaciarum prioratum ecclesiarum et dignitatum vacancium que ad nos pertinent excepto quod huiusmodi
 vi. custodie vendi non debent Heredes maritentur absque disparagati-
 vii. one Vidua post mortem mariti sui statim et sine difficultate ali-

VARIAE LECTIONES.

^t et. O.TT.W.^u *deest* alicui. R.^w *deest* ille. R.^x eo. O.TT.W.^y committatur. O.R.TT.W.^z terre illius nobis. O.TT.W.^a *deest* ei. R. illi cui illos. O.TT.W.^b *deest* inde. R.^c illam. O.R.TT.W.^d huiusmodi habuerit. O.TT.W.^e *deest* vivaria. D.^f et molendina. R.^g de omnibus. TT.W.^h sicut illam. O.TT.W.

qua habeat maritagium suum et hereditatem suam nec aliquid ⁱ det
 pro dote sua ^k vel pro maritagio suo ^l vel pro hereditate sua quam
 hereditatem maritus suus et ipsa tenuerunt ^m die obitus ipsius mariti
ⁿ et maneat in capitali ^o mesagio ipsius mariti sui per quadraginta dies
 post obitum ^p ipsius mariti ^q sui infra quos ^r assignetur ei dos sua nisi
 prius ei fuerit assignata vel nisi domus illa sit castrum et si de castro
 recesserit statim provideatur ei domus competens in qua possit ho-
 neste morari quousque dos sua ei assignetur ^s secundum quod pre-
 dictum est et habeat rationabile estoverium suum interim de com-
 muni Assignetur autem ei pro dote ^t sua tertia pars totius terre
 mariti sui que sua fuit in vita sua nisi de minori dotata fuerit ad
^u hostium ecclesie Nulla vidua distringatur ad se ^v maritandam viii.
 dum vivere voluerit sine marito ita tamen quod securitatem ^x faciet
 quod se non maritabit sine assensu nostro si de nobis tenuerit vel
 8 ^y sine assensu domini sui si de alio tenuerit Nos vero vel ballivi ix.
 nostri non seisiemus terram aliquam ^z nec redditum pro debito ali-
 quo quamdiu catalla debitoris presencia ^a sufficiant ad debitum red-
 dendum et ipse debitor paratus sit inde satisfacere nec plegii ^b ipsius
 debitoris distringantur quamdiu ipse capitalis debitor sufficiat ad so-
 lutionem ^c debiti et si capitalis debitor defecerit in solutione debiti
 non habens unde reddat aut reddere nolit cum possit plegii respon-
 deant ^d pro debito et si voluerint habeant terras et redditus debitoris

V A R I A E L E C T I O N E S.

ⁱ *deest* det. W.^k nec. O.R.TT.W.^l nec. R.^m simul die. O.TT.W.ⁿ sui et. O.R.TT.W.^o mesuagio mariti. O.R.TT.W.^p *deest* ipsius. O.R.TT.W.^q *deest* sui. R.^r dies assignetur. O.TT.W.^s sicut predictum. D.O.^t *deest* sua. O.R.^u ostium. O.R.^v maritandum. W.^x faciat. O.R.TT.W.^y *deest* sine. R.^z vel. O.R.TT.W.^a sufficiunt. O.R.TT.^b *deest* ipsius. O.^c ipsius debiti. O.TT.W.^d de. O.R.TT.W.

quousque

- quousque sit eis satisfactum de debito quod ^e ante pro eo ^f solverunt
~~nisi~~ capitalis debitor monstraverit se inde esse quietum versus eos-
- x. dem plegios Civitas London' habeat omnes ^g antiquas libertates et 9
^h liberas consuetudines suas Preterea volumus et concedimus quod
 omnes alie civitates et burghi et ville et barones de quinque portu-
 bus et omnes portus habeant omnes libertates ⁱ et liberas consuetu-
- xi. dines suas Nullus distringatur ad faciendum majus servitium de 10
 feodo militis nec de alio libero tenemento quam inde debetur
- xii. Communia placita non sequantur curiam nostram ^k sed teneantur in 11
- xiii. aliquo loco certo Recognitiones de nova disseisina et de morte 12
 antecessoris non capiantur nisi in suis comitatibus et hoc modo
 Nos ^l vel si extra regnum fuerimus capitalis justiciarius noster ^m mit-
 temus justiciarios ⁿ per unumquemque comitatum semel in anno qui
 cum militibus comitatum capiant in comitatibus assisas predictas
- xiv. Et ^o ea que in illo adventu suo in ^p comitatu per justiciarios ^q predic-
 tos ad dictas assisas capiendas missos terminari non possunt per eos-
 dem terminentur alibi in itinere suo et ea que per eosdem propter
 difficultatem aliquorum articulorum terminari non possunt referan-
- xv. tur ad justiciarios nostros de banco et ibi terminentur Assise de ul- 13
 tima presentatione semper capiantur coram justiciariis ^r nostris de
- xvi. banco et ibi terminentur Liber homo non amercietur pro parvo 14
 delicto ^s nisi secundum modum ipsius delicti et pro magno delicto
 secundum magnitudinem delicti salvo contenemento suo et merca-
 tor eodem modo salva mercandisa sua et ^t villanus alterius quam

VARIAR LECTIONES.

^e antea. O.R.W.^f solverunt. O.^g libertates suas antiquas. O.TT.W.^h *deest* liberas. O.TT.W.ⁱ suas et. TT.^k fed. O.R.^l *deest* vel. R.^m mittet. R.ⁿ nostros per. O.TT.W.^o illa. TT.W.^p comitatus. O.TT.^q nostros predictos. O.TT.W.^r *deest* nostris. O.R.TT.W.^s sed secundum. D.^t si villanus. R.

- noster eodem modo amercietur salvo ^a wainagio suo ^w si inciderit in ^{xvii.}
^y misericordiam nostram ^z et nulla predictarum misericordiarum po- ^{xviii.}
 natur nisi per sacramentum proborum et legalium hominum de vis-
 neto Comites et barones non amercientur nisi per pares suos et
 non nisi secundum modum delicti Nulla ecclesiastica persona a-
 mercietur secundum quantitatem beneficii sui ecclesiastici ^{xix.}
¹⁵ Nec villa nec ^a homo distringatur facere pontes ad riparias nisi qui ^{xix.}
¹⁶ ^b ex antiquo et de jure facere ^c debet Nulla riparia decetero de- ^{xx.}
 fendatur nisi ille que fuerunt in defenso tempore regis Henrici avi
 nostri per eadem loca et ^d eosdem terminos sicut esse consueverunt
¹⁷ tempore suo Nullus vicecomes constabularius ^e coronatores vel alii ^{xxi.}
¹⁸ ballivi nostri teneant placita corone nostre Si aliquis tenens de no- ^{xxii.}
 bis laicum feodum moriatur et vicecomes vel ballivus noster osten-
 dat litteras nostras patentes de summonitione nostra de debito quod
 defunctus nobis debuit liceat vicecomiti ^f vel ballivo nostro attachia-
 re et ^g inbreviare catalla defuncti inventa in laico feodo ad valen-
 ciam illius debiti per visum legalium hominum ita tamen quod
 nichil ^h inde amoveatur donec persolvatur nobis debitum quod cla-
 rum fuerit et residuum relinquatur executoribus ad faciendum tes-
 tamentum defuncti et si nichil nobis debeatur ab ipso omnia ⁱ ca-
 tallia cedant defuncto salvo uxori ^k ipsius et pueris suis rationabili-
¹⁹ bus partibus suis Nullus constabularius ^l vel ejus ballivus capiat ^{xxiii.}

VARIÆ LECTIONES.

^a wanagio. T25. waynagio. W.^w et si. R.^z manum. TT.^y *deest* et. R.^z sed. O.R.^a liber homo. O.TT.W.^b ab. O.R.TT.W.^c debent Nulle riparie defendantur de cetero. O.R.TT.W.^d per eosdem. O.^e coronator. O.TT.W.^f nostro vel. R.^g inbreviare omnia bona et catalla. O.TT.W.^h *deest* inde. D.ⁱ *deest* catalla. R.^k ejus et pueris ipsius. O.TT.W. ipsius et fi-
liis suis. R.^l aut. O.

blada

- blada ^m vel alia catalla alicujus qui non ⁿ fit ^o de villa ubi castrum
 situm ^p est nisi statim ^q inde reddat denarios aut respectum inde ha-
 bere possit de voluntate venditoris si autem de villa ipsa fuerit infra
 xxiv. quadraginta dies precium reddat Nullus constabularius distringat ²⁰
 aliquem militem ad dandum denarios pro custodia castri si ipse eam
 facere voluerit in propria persona sua vel per alium probum homi-
 nem ^r si ipse eam facere non possit propter rationabilem causam et
 si nos ^s duxerimus eum vel miserimus in ^t exercitum ^w erit quietus
 de custodia secundum quantitatem temporis quo per nos fuerit in
 xxv. ^w exercitu de feodo pro quo fecit servitium in ^x exercitu Nullus ²¹
 vicecomes vel ballivus noster vel ^y alius capiat equos vel caretas ali-
 cujus pro cariagio faciendo nisi reddat liberationem antiquitus sta-
 tutam scilicet pro ^z caretta ad duos equos decem denarios per diem
 xxvi. et pro caretta ad tres equos quatuordecim denarios per diem Nul-
 la caretta dominica alicujus ecclesiastice persone vel militis vel ali-
 xxvii. cujus ^a domine capiatur per ballivos ^b predictos Nec nos nec balli-
 vi nostri nec alii capiemus ^c alienum boscum ad castra vel ^d alia a-
 xxviii. genda nostra nisi per voluntatem illius cujus boscus ille fuerit Nos ²²
 non tenebimus terras ^e eorum qui convicti fuerint de feloniam nisi
 per unum annum et unum diem et tunc reddantur terre ^f dominis
 xxix. feodorum Omnes kidelli decetero deponantur penitus per ^g Ta- ²³
 mifiam et ^h Medweiam et per totam Angliam nisi per costeram ma-

VARIARUM LECTIONES.

^m aut. O.
ⁿ sivit. R.
^o in. O.
^p sit. R.
^q *deest* inde. D.
^r faciat si. O.TT.W.
^s adduxerimus. O.TT.W.
^t exercitum. TT.W.
^u sit. O.TT.W.
^w ^x exercitu. TT.W.

^y aliquis alius. O.TT.W. aliquis capiat. R.
^z una caretta. O.TT.W.
^a domini. O.R.
^b nostros. O.TT.W.
^c *deest* alienum. R.
^d ad alia. O.TT.W.
^e illorum. O.TT.W.
^f ille dominis. O.TT.W.
^g Thamifiam. W.
^h Medeweyam. O.R.TT.W.

- 24 ris Breve quod vocatur Precipe decetero non fiat alicui de aliquo xxx.
- 25 ⁱ tenemento unde liber homo perdat curiam suam Una mensura xxxi.
vini fit per totum regnum nostrum et una mensura cervisie et una
mensura bladi scilicet quarterium London' et una latitudo panno-
rum tinctorum ^k et russettorum et haubergettorum scilicet due ulne
- 26 infra listas de ponderibus vero fit ^l ut de mensuris Nichil detur xxxii.
decetero pro brevi inquisitionis ab eo qui inquisitionem petit de
- 27 vita vel ^m membris set gratis concedatur et non negetur Si ⁿ ali- xxxiii.
quis teneat de nobis per feodifirmam vel ^o foccagium vel ^p per bur-
gagium et de alio terram ^q teneat per servitium militare nos non ha-
beamus custodiam heredis nec terre sue que est de feodo alterius
occasione illius feodifirme vel ^r foccagii vel burgagii nec habebimus
custodiam ^s illius feodifirme vel ^t foccagii vel burgagii nisi ipsa feo-
difirma debeat servitium militare Nos non habebimus custodiam
heredis ^u nec terre alicujus quam tenet de ^v alio per servitium mili-
tare occasione alicujus parve ^x serjanterie quam tenet de nobis per
- 28 servitium reddendi nobis cultellos vel sagittas vel hujusmodi Nul- xxxiv.
lus ballivus ponat decetero aliquem ad legem manifestam ^y vel ad
juramentum simplici loquela ^z sua sine testibus fidelibus ad hoc in-
ductis
- 29 Nullus liber homo ^a capiatur vel imprisonetur aut ^b disseisia- xxxv.
tur de ^c aliquo libero tenemento suo vel libertatibus vel liberis con-
suetudinibus suis aut utlagetur aut exulet aut aliquo ^d alio modo

VARIÆ LECTIONES.

- | | |
|---|--|
| ⁱ libero tenemento. O.TT.W. | ^t fokagii. O.R. focagii. TT.W. |
| ^k <i>deest</i> et. O.TT.W. | ^u vel. O.R.TT.W. |
| ^l sicut. O.TT.W. | ^v aliquo alio. O.TT.W. |
| ^m de membris. O.TT.W. | ^x serjantie. O.R.TT.W. |
| ⁿ quis. R. aliqui teneant. O.TT.W. | ^y nec. O.TT.W. |
| ^o fokagium. R. per fokagium. O. per foca-
gium. TT.W. | ^z <i>deest</i> sua. R. |
| ^p <i>deest</i> per. O.R.TT.W. | ^a de cetero capiatur aut imprisonetur. D. |
| ^q teneant. O.TT.W. | ^b disseisietur. O.R.W. |
| ^r fokagii. O.R. focagii. TT.W. | ^c <i>deest</i> aliquo. O.R.TT.W. |
| ^s <i>deest</i> illius. R. | ^d <i>deest</i> alio. O.TT.W. |

destruatur

- destruatur nec super eum ibimus nec super eum mittemus nisi per
 xxxvi. legale iudicium parium suorum vel per legem terre Nulli vende-
 xxxvii. mus nulli negabimus aut differemus rectum vel iusticiam Omnes 30
 mercatores nisi publice antea prohibiti fuerint habeant saluum et
 securum * exire de Anglia et venire in Angliam et morari et ire per
 Angliam tam per terram quam per aquam ad emendum f vel ven-
 dendum sine omnibus s toltis malis per antiquas et rectas consue-
 tudines preterquam in tempore h gwerre et si sint de terra contra
 nos i gwerriva et k si tales inveniuntur in terra nostra in principio
 l gwerre attachientur sine dampno corporum vel rerum donec scia-
 tur a nobis vel a capitali iusticiario nostro quomodo mercatores
 m terre nostre tractentur qui tunc n inveniuntur in terra o contra nos
 xxxviii. p gwerriva et si nostri salvi q sint ibi alii salvi sint in terra nostra Si 31
 quis tenuerit de aliqua escaeta sicut de honore r de Wallingeford
 Bolon' Noting' Lancastr' vel r de aliis escaetis que sunt in manu
 nostra et sint baronie et obierit heres ejus non det aliud relevium
 nec faciat nobis aliud servitium quam faceret baroni si r ipsa esset
 in manu baronis et nos eodem modo u eam tenebimus quo w baro
 eam tenuit nec nos occasione talis baronie vel x escaete habebimus
 y aliquam escaetam vel custodiam aliquorum hominum nostrorum
 nisi alibi tenuerit de nobis in capite ille qui z tenuit baroniam vel
 xxxix. escaetam Nullus liber homo decetero det amplius vel vendat ali- 32

VARIAE LECTIONES.

* conductum exire. O.TT.W.
 f et. O.R.TT.W.
 s tolnagiis. R.
 h guerre. D.O.R.TT.W.
 i guerrina. D.O.R.TT.W.
 k deest si. O.TT.W.
 l guerre. D.O.R.TT.W.
 m deest terre nostre. R.
 n inveniuntur. O.R.TT.W.
 o illa contra. O.TT.W.

p guerrina. D.O.TT.W. in guerra. R.
 q sunt. O.TT.W.
 r deest de. D.O.TT.W.
 s deest de. O.TT.W.
 t illa. O.TT.W. baronia. R.
 u deest eam. D.
 w modo baro. R.
 x excaete. D.
 y talem aliquam. R.
 z tenuerit. W.

cui

- cui de terra sua quam ut de residuo terre sue possit sufficienter fieri domino feodi servitium ei debitum quod pertinet ad feodum illud
- 33 Omnes patroni abbatarum qui habent cartas regum Anglie de ad- xl.
vocatione vel ^a antiquam tenuram vel possessionem habeant earum
custodiam cum vacaverint sicut habere debent et sicut ^b supra de-
- 34 claratum est Nullus capiatur ^c vel imprisonetur ^d propter appellum xli.
femine de morte alterius quam viri sui Nullus comitatus decete-
- 35 ro teneatur nisi de mense in mensem et ubi major terminus esse so- xlii.
lebat major sit Nec aliquis vicecomes ^e vel ballivus ^f faciat tur-
num suum per ^g hundredum nisi bis in anno et non nisi in loco de-
bito et consueto videlicet semel post Pascha et iterum post festum
sancti Michaelis Et visus de franco plegio tunc fiat ad illum ter-
minum ^h sancti Michaelis sine occasione ⁱ ita ^k scilicet quod quilibet
habeat libertates suas quas habuit ^l et habere consuevit tempore re-
gis Henrici avi nostri vel ^m quas postea perquisivit Fiat autem vi-
sus de franco plegio sic videlicet quod pax nostra teneatur et quod
ⁿ tethinga integra sit sicut esse consuevit et quod vicecomes non
querat occasiones et quod contentus sit ^o eo quod vicecomes habe-
re consuevit de visu suo faciendo tempore regis Henrici avi nostri
- 36 ^p Non liceat alicui decetero dare terram suam ^q alicui domui reli- xliii.
giose ita quod ^r illam ^s resumat tenendam de eadem domo ^t nec li-
ceat alicui domui religiose terram alicujus sic accipere quod tradat

VARIARUM LECTIONES.

- | | |
|---|---|
| ^a antiqua tenura vel possessione. R. | ^k videlicet. W. |
| ^b superius. O.R.TT.W. | ^l vel. O.TT. |
| ^c aut. O.TT.W. | ^m <i>deest</i> quas. R. |
| ^d per appellationem alterius femine quam viri
sui. R. | ⁿ theothinga teneatur integra sicut. O.TT.W. |
| ^e <i>desunt</i> vel ballivus. R. | ^o de eo. O.R.TT.W. |
| ^f suus faciat. O.TT.W. | ^p Nec. O.TT.W. |
| ^g hundreda. O.W. | ^q <i>deest</i> alicui. O.TT.W. |
| ^h <i>desunt</i> sancti Michaelis. R. | ^r eam. D. |
| ⁱ ad festum sancti Michaelis ita. R. | ^s resignet. R. |
| | ^t non. R. |

^u illam

*illam^u ei a quo^w ipsam recepit tenendam Si quis autem decetero terram suam alicui domui religiose sic dederit^y et super hoc convincatur donum suum penitus cassetur et terra illa domino^z suo illius feodi^x incurratur Scutagium decetero capiatur sicut capi^b solebat^{lebat} tempore regis Henrici avi nostri Et salve sint archiepiscopis episcopis abbatibus prioribus templariis^c hospitalariis comitibus baronibus et omnibus aliis tam ecclesiasticis quam secularibus personis^d libertates et libere consuetudines quas prius habuerunt Omnes^e autem^f istas consuetudines predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici^g observent quantum ad se pertinet erga suos Pro hac autem concessione et donatione libertatum istarum et aliarum^h libertatum contentarum in carta nostra de libertatibus foreste archiepiscopiⁱ episcopi abbates priores comites barones milites libere tenentes et omnes de regno nostro dederunt nobis quintam decimam^k partem omnium mobilium suorum Concessimus etiam eisdem pro nobis et heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur et si ab aliquo aliquid contra hoc perquisitum fuerit nichil valeat et pro nullo habeatur^l Hiis testibus domino S. Cantuar' archiepiscopo E. London' ^mJ. Bathon' P. Winton' H. Linc' ⁿB. Roffen' W. Wi-

VARIARUM LECTIONES.

^u eam. R.W.
^w illi. O.R.TT.W.
^x eam. O.TT.W. illam. R.
^y deest et. R.
^z deest suo. O.TT.W.
^a penitus incurratur. R.
^b consuevit. O.R.TT.W.
^c hospitalariis. TT.W.
^d omnes libertates. O.TT.W.
^e deest autem. R.

^f deest istas. O.TT.W.
^g observant. R.
^h deest libertatum. O.R.TT.W.
ⁱ episcopi, &c, et libere. R.
^k deest partem. R.
^l Explicit Intratio R.
^m episcopo J. Bathon' episcopo P. Wynton'. O. TT.W.
ⁿ R. Sarr'. B. Roffen'. D. R. Sarr'. W. Roffen'. O.TT.W.

P

gorn'

gorn' J. Elien' H. Hereford' R. Cicestr' ° W. Exon' episcopis abbate
 sancti Edmundi abbate sancti Albani abbate de Bello abbate sancti
 Augustini Cant' abbate de Evesham' abbate de Westmon' abbate
 de burgo sancti Petri abbate de Rading' abbate de Abendon' ab-
 bate de ' Maumbir' abbate de Winchecumb' abbate de Hida ab-
 bate de Certes' abbate de Sireburn' abbate de Cern' abbate de ' A-
 botebir' abbate de Middleton' abbate de Seleby ' abbate de Wyteby
 abbate de Cirenc' H. de Burg' justiciario ' R. comite Cestr' et Linc'
 W. comite Sarr' W. comite Warenn' G. de Clar' comite Glouc' et
 Hertford' W. de Ferrar' comite ' de Derb' W. de Mandevill' comi-
 te Essex' H. le Bigod comite Norff' W. comite Aubemarl' ° H.
 comite Hereford' Johanne constabulario Cestr' Roberto de Ros Ro-
 berto filio Walteri Roberto de Veteri Ponte Willielmo ° Brigwerr'
 Ricardo de Munfich' Petro filio Herberti Matheo filio Herberti
 Willielmo de ' Albinico ' Roberto Gress' ' Reginaldo de Brahus
 Johanne de ' Munem' Johanne filio Alani Hugone de Mortuo Mari
 Waltero de Bello Campo Willielmo de sancto Johanne Petro de
 ' Mala Lacu Briano de Infula Thoma de Muleton' Ricardo de Ar-
 gentein Gaufrido de Nevill' Willielmo Mauduit Johanne de Baa-
 lun ' Dat' apud Westmon' undecimo die Februarii anno regni
 nostri nono^d.

VARIAR LECTIONES.

- ° et W. Exon'. D.
- ° Malmesbury. O.TT.W.
- ° Abbotsbury. O.T28.W.
- ° *desunt* abbate de Wyteby. O.TT.W.
- ° H. comite. O.TT.W.
- ° *desst* de. D.O.TT.W.
- ° W. comite. D.
- ° de Bruera. O.TT.W.
- ° Aubeny. TT.
- ° Ff. de Gressly. O. Ff. Gressly. TT.W.]
- ° Ff. de Breus. O.TT.W.
- ° Munemuth. O.W. Munemue. TT.

° Malo. O.TT.W.

° et aliis Dat'. O.TT.W.

^d Nos autem donationes et concessiones predi-
 cas ratas habentes et gratas eas pro nobis et here-
 dibus nostris concedimus et confirmamus easque
 tenore presentium innovamus volentes et conce-
 dentes pro nobis et heredibus nostris quod carta
 predicta in omnibus et singulis suis articulis im-
 perpetuum firmiter et inviolabiliter observetur e-
 tiam si aliqui articuli in eadem carta contenti hu-
 cusque forsitan non fuerint observati. O.TT.W.
 [In cujus rei testimonium has litteras nostras fieri
 fecimus

VARIAE LECTIONES.

fecimus patentes T. Edwardo filio nostro apud Westm' duodecimo die Octobris anno regni nostri vicesimo quinto. T25.] Hiis testibus venerabilibus patribus R. Cantuar' archiepiscopo totius Anglie primate A. {

Dunolm. O. }
Dunelm. W. }
Dunelm. episcopo. T28. }

R. London' R. Elyen' Th. Exon' W. Coventr' et Lychefeld' S. Sar' J. Roff' J. Norwycen' et J. Landaven' episcopis J. Lincoln' electo Johanne de Warenn' comite Surr' Thoma comite Lancastr' Rogero le Bygod comite Norff' et marescallo Anglie Henrico de Lacy comite Lincoln' Radulpho de Monte Hermer comite Gloucestr' et Hertford' Humfrido de Bohun comite Hereford' et Essex' Guydone de Bello Campo comite Warr' Ricardo

filio Alani comite Arundel' Reginaldo de Grey Johanne de Hastings Henrico de Percy Hugone le Despenfer Hugone de Veer Roberto de Tatefale Hugone Bardolf Hugone de Curteney Johanne de Segrave Henrico de Grey Willielmo {

le. O. }
de. T28.W. } Ros de Helmesleye Alano la

Zusche Roberto de Tony Roberto de Monte Alto Willielmo de Breus Thoma de Furnivall Johanne {

Engayne. O. }
Engaigne. T28.W. } Petro Corbet Wil.

lielmo de Leyburne Willielmo le Latimer Waltero de Bello Campo senescallo hospitii nostri Waltero de Huntercumbe et aliis Dat' per manum nostram apud Westm' vicesimo octavo die Martij anno regni nostri vicesimo octavo. O.T28.W.



CARTA DE FORESTA REGIS HENRICI III,

XI DIE FEBRUARII, MCCXXIV,

ANNO REGNI IX.



HENRICUS * Dei gracia rex Anglie domi-
nus Hybernie dux Normannie Aquitanie et
comes Andegavie archiepiscopis episcopis ab-
batibus prioribus comitibus baronibus justi-
ciariis *forestariis* vicecomitibus prepositis mi-
nistris et omnibus ballivis et fidelibus suis
presentem cartam inspecturis salutem Scia-
tis quod nos intuitu Dei et pro salute anime nostre et animarum

VARIAE LECTIONES,

*desumptae ex Carta de Inspeximus, in Ecclesia cathedrali Dunelmensi asservata, signantur Lite-
ris D, Insp.---ex Carta de Inspeximus, in Collegio Orielenfi, Litera O: --- ex Rotulo Stat.
25 Ed. I. in Turri London. m. 38, 39, Litera et Numero T25: --- ex Rotulo Cart.
28 Ed. I. ibid. m. 6, Litera et Numero T28: --- ex utroque Rotulo, Literis TT.*

* EDWARDUS Dei gratia rex Anglie dominus	{	nistris et omnibus ballivis et fidelibus
Hybernie et dux Aquitanie {	archiepiscopis epif-	cartam inspecturis. T28.}
{	archiepiscopis &c	}
{	omnibus ad quos	fuis. D, Insp. O. }
{	copis abbatibus prioribus comitibus baroni-	} salutem Inspeximus cartam
{	justiciariis forestariis vicecomitibus prepositis	}
{	presentes littere pervenerint. T25.}	domini H. quondam regis Anglie patris nostri de
{	bus justiciariis vicecomitibus prepositis mi-	foresta in hec verba HENRICUS &c. D, Insp. O.
{	et omnibus ballivis et fidelibus suis presentem	TT.
.}		

antecessorum

antecessorum et successorum nostrorum ad exaltationem sancte ecclesie et emendationem regni nostri spontanea et bona voluntate nostra dedimus et concessimus archiepiscopis episcopis ^b comitibus baronibus et omnibus de regno nostro has libertates subscriptas tenendas in regno nostro Anglie imperpetuum Inprimis omnes foreste quas Henricus rex avus noster afforestavit videantur per bonos et legales homines et si boscum aliquem alium quam suum dominicum afforestaverit ad dampnum ^c illius cujus boscus ille fuerit deafforestetur et si boscum suum proprium afforestaverit remaneat foresta salva ^d communia de herbagio et aliis in eadem foresta illis qui prius eam habere consueverunt Homines vero qui manent extra forestam non veniant de cetero coram iusticiariis nostris de foresta per communes summonitiones nisi sint in placito vel plegii alicujus vel aliquorum qui attachiati sunt propter forestam Omnes autem bosci qui ^e fuerint afforestati per regem Ricardum avunculum nostrum vel per regem Johannem patrem nostram usque ad primam coronationem nostram statim deafforestentur nisi sit dominicus boscus noster Archiepiscopi episcopi abbates priores comites barones milites ^f libere tenentes qui habent boscos suos in forestis habeant boscos suos sicut eos habuerunt tempore prime coronationis regis Henrici avi nostri ita quod quieti sint imperpetuum de omnibus ^g purpresturis vastis et ^h effartis factis in illis boscis post illud tempus usque ad principium secundi anni coronationis nostre et qui *de cetero vastum vel* purpresturam sine licentia nostra in illis fecerint vel ⁱ effartum de vastis purpresturis et ^k effartis respondeant Regardatores nostri eant per forestas ad faciendum regardum sicut fieri con-

VARIARUM LECTIONES.

^b abbatibus prioribus comitibus. D,Insp.O.^c ipsius. D,Insp.O.^d communia. D,Insp.O.^e fuerunt. D,Insp.O.TT.^f et libere. D,Insp.O.^g pupresturis. O.^h affartis. D,Insp.O.TT.ⁱ affartum. D,Insp.O.TT.^k affartis. D,Insp.O.TT.

Q

fuevit

fuevit tempore prime coronationis regis Henrici *avi nostri et non*
 6 *aliter* Inquisitio vel visus de expeditatione canum existentium in
 foresta de cetero fiat quando fieri debet regardum scilicet de tertio
 anno in tertium annum et tunc fiat *per visum et testimonium lega-*
lium hominum et non aliter et ille cuius canis inventus fuerit tunc
 non expeditatus det pro misericordia tres solidos et de cetero nullus
 bos capiatur pro expeditatione¹ Talis autem² fit expeditatio per
 assisam communiter³ quod tres *ortelli*⁴ *abscindantur sine pelota de*
*pede anteriori nec*⁵ *expeditentur* canes de cetero nisi in locis ubi con-
 sueverunt expeditari tempore prime coronationis predicti regis Hen-
 7 rici *avi nostri* Nullus forestarius vel bedellus de cetero faciat sco-
 tallas *vel colligat garbas vel avenam vel bladum aliquod vel agnos*
vel porcellos nec aliquam collectam faciat et per visum et sacramen-
*tum duodecim regardatorum quando*⁶ *facient regardum tot foresta-*
rii ponantur ad forestas custodiendas quot ad illas custodiendas ratio-
 8 *nabiliter viderint sufficere* Nullum⁷ swanimotum de cetero tenea-
 tur in regno nostro nisi ter in anno videlicet in principio quindecim
 dierum ante festum sancti Michaelis quando agistatores nostri con-
 veniunt ad *agistandum dominicos boscos nostros et circa festum sancti*
*Martini quando agistatores nostri debent recipere*⁸ pannagium nos-
 trum et ad ista duo⁹ swanimota convenient forestarii¹⁰ viridarii et
 agistatores et non alii per districtionem et *tertium*¹¹ swanimotum te-
 neatur in initio quindecim dierum ante festum sancti Jobannis baptiste
 pro feonatione bestiarumstrarum et ad illud¹² swanimotum te-
 nendum¹³ convenient forestarii viridarii et non alii per districtionem

VARIAR LECTIONES.

¹ canum Talis. D, Insp. O.
² fiat. D, Insp. O. TT.
³ usitatam quod. D, Insp. TT. usitatem quod. O.
⁴ abscidantur five. O. abscindantur five. D, Insp.
 TT.
⁵ expiditentur. O.
⁶ faciunt. D, Insp. faciunt. O.

⁷ swaynmotum. D, Insp. O. swainimotum. T28.
⁸ paunagium. D, Insp. O.
⁹ swaynmota. D, Insp. O. swainimota. T28.
¹⁰ deest viridarii. T28.
¹¹ swaynmotum. D, Insp. O. swainimota. T28.
¹² convenient. TT.

Preterea

Preterea singulis quadraginta diebus per totum annum convenient for-
 restarii et viridarii ad * faciendum attachiamenta de foresta tam de
 viridi quam de venatione per presentationem forestariorum ipsorum
 et coram ipsis attachiatis Predicta autem * *swanimota non teneantur*
nisi in comitatibus in quibus teneri consueverunt. Unusquisque liber 9
 homo agistet boscum suum ^b quem habet in foresta pro voluntate sua
 et habeat ^c pannagium suum Concedimus etiam quod unusquisque
 liber homo ducere possit porcos suos *per dominicum boscum nostrum li-*
bere et sine impedimento ad agistandum eos in boscis suis propriis vel ali-
bi ubi voluerit et si porci alicujus liberi hominis una nocte pernocta-
verint in foresta nostra non inde occasionetur unde aliquid de suo per-
dat Nullus *de cetero amittat vitam vel membra pro venatione nostra* 10
^d *set si quis* captus fuerit et convictus de captione venationis graviter
 redimatur si habeat unde redimi possit si autem non habeat unde
 redimi possit jaceat in prisona nostra per unum annum *et unum diem*
et si post unum annum et unum diem plegios invenire possit exeat de
prisona sin autem abjuret regnum Anglie ^e Quicumque archiepisco- 11
 pus episcopus comes vel baro veniens ad nos ad mandatum nostrum
 transierit per forestam nostram *liceat ei capere unam bestiam vel duas*
per visum forestarii si presens fuerit sin autem faciat cornari ne ^f *vi-*
deatur furtive hoc facere Idem liceat eis ^g in redeundo facere sicut
 predictum est Unusquisque liber homo de cetero sine occasione 12
 faciat in bosco suo *vel in terra sua quam habet in foresta molendinum*
vivarium stagnum marleram fossatum vel terram arabilem extra
coopertum in terra arabili ita quod non sit ad nocumentum alicu-
jus vicini Unusquisque liber homo habeat in boscis suis aereas an- 13

VARIAE LECTIONES.

^a videndum. D,Insp.O.TT.^b *swaynmota*. D,Insp. *swainimota*. T28.^c *desunt* quem habet. D,Insp.O.TT.^e *paunagium*. D,Insp.O.^d *sed*. D,Insp.O.^e Quicumque. TT.^f videat. O.^g *desst in*. D,Insp.O.

- cipitrum *espervariorum falconum aquilarum et^h de heyrinis et habeat.*
 14 *similiter mel quod inventum fuerit in boscis suis Nullus foresta-*
rius de cetero qui non sit forestarius de feodo firmam nobis reddens
pro balliva sua capiatⁱ cheminagium aliquod in balliva sua foresta-
rius autem de feodo firmam nobis reddens pro balliva sua capiat^h che-
minagium videlicet proⁱ carecta per dimidium annum duos dena-
rios et per alium dimidium annum duos denarios^m et pro equo qui
portat summagium per dimidium annum obolum et per alium dimi-
dium annum obolum et non nisi de illis quiⁿ de extra ballivam suam
tanquam mercatores veniunt per licentiam suam in ballivam suam
ad buscam^o meremium corticem vel carbonem emendum et^p alias
ducendum ad vendendum ubi voluerint et de nulla alia^q carecta vel
summagio aliquo^r cheminagium capiatur et non capiatur^r chemi-
nagium nisi in locis in quibus antiquitus capi solebat et debuit Il-
li autem qui portant^r super dorsum suum buscam corticem vel car-
bonem ad vendendum quamvis inde vivant nullum de cetero dent
 15 *cheminagium Omnes^w utlagati pro foresta^x tantum a tempore*
regis Henrici avi nostri usque ad primam coronationem nostram ve-
niant ad pacem nostram sine impedimento et salvos plegios inve-
 16 *niant quod de cetero non forisfacient nobis de foresta nostra Nullus*
castellanus teneat placita de foresta five de viridi five de venatione
set quilibet forestarius de feodo attachiet placita de foresta tam de
viridi quam de venatione et ea presentet viridariis provinciarum et

VARIAE LECTIONES.

- | | |
|--|---|
| ^h heironum. D,Insp.TT. heyronum. O. | ^q carecta. D,Insp.O. |
| ⁱ ^k chiminagium. D,Insp.O.T28. | ^r ^s chiminagium. D,Insp.O.T28. |
| ⁱ carecta. D,Insp.O. | ^r supra. D,Insp.O. |
| ^m <i>deest</i> et. TT. | ^u chiminagium. D,Insp.O.T28. |
| ⁿ <i>deest</i> de. TT. | ^w autem utlagati. D,Insp.O. |
| ^o maremium. D,Insp.O. maeremum. T25. | ^x nostra tantum. T28. |
| maeremium. T28. | ^y constabularius castellanus vel alius teneat. |
| ^p alius. O. | D,Insp.O.TT. |

cum

cum ^a inrotulata fuerint et sub ^a figillis viridariorum inclusa presententur capitali forestario nostro cum in partes illas venerit ad tenendum placita ^b foreste et coram eo terminentur *Has autem* libertates de forestis concessimus omnibus Salvis archiepiscopis episcopis abbatibus prioribus comitibus baronibus militibus et aliis tam personis ecclesiasticis quam secularibus templariis ^c et ^d hospitalariis libertatibus et *liberis consuetudinibus in forestis* et extra in warennis et aliis quas prius habuerunt Omnes autem ^e istas consuetudines predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro ^f observent quantum ad se pertinet erga suos Pro hac ^g igitur concessione et donatione libertatum istarum et aliarum ^h libertatum contentarum in majori carta nostra de aliis libertatibus archiepiscopi episcopi abbates priores comites barones milites ⁱ libere tenentes et omnes de regno nostro dederunt nobis quintamdecimam partem omnium mobilium suorum Concessimus ^k etiam eisdem pro nobis et heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur et si ab aliquo aliquid contra hoc perquisitum fuerit nichil valeat et pro nullo habeatur Hiis testibus domino S. Cantuar' archiepiscopo 'R. London' J. Bathon' P. Winton' H. Lincoln' R. Sar' ^m B. Roffen' W. Wigorn' J. Elien' H. Hereford' R. Cicestr' W. Exon' episcopis abbate sancti Edmundi abbate sancti Albani abbate de Bello abbate sancti Augustini Cantuar' abbate de Evesham abbate de

VARIARUM LECTIONES.

- | | |
|--|---|
| ^a inrotulata. D,Insp.O. | ^g autem. D,Insp.O.TT. |
| ^a figillo. TT. | ^h <i>deest</i> libertatum. O. |
| ^b de foresta et. D,Insp.O. | ⁱ et libere. D,Insp.O. |
| ^c <i>deest</i> et. D,Insp.O. | ^k <i>deest</i> etiam. TT. |
| ^d hospitalariis. TT. | ^l S. London' episcopo. T28. E. London' episcopo. D,Insp.O.T25. |
| ^e <i>deest</i> istas. D,Insp.O. | ^m W. Roff'. O. |
| ^f tam clerici quam laici observent. D,Insp.O. | |

TT.

R

Westmon'

Westmon' abbate de burgo sancti Petri abbate de Rading' abbate de Abendon' abbate de " Maumebir' abbate de Winchecumb' abbate de Hyda abbate de Certes' abbate de Sireburn' abbate de Cern' abbate de ° Abotebir' abbate de Middleton' abbate de Seleby abbate de Wyteby abbate de Cirencestr' H. de Burg' justiciario R. comite Cestr' et Linc' W. comite Sarr' W. comite Warenn' G. de Clar' comite Gloucestr' et Hertford' W. de Ferrar' comite de Derby W. de Mandevill' comite Essex' H. le Bigod comite Norff' W. comite Aubemarl' H. comite Hereford' Johanne constabulario Cestr' Roberto de Ros Roberto filio Walteri Roberto de Veteri Ponte Willielmo^p Bigwerr' Ricardo de Munfich' Petro filio Herberti Mattheo filio Herberti Willielmo de Albinacio Roberto Gress' Reginaldo de^q Brahus Johanne de^r Munem' Johanne filio Alani Hugone de Mortuo Mari Waltero de Bello Campo Willielmo de sancto Johanne Petro de^s Mala Lacu Briano de Insula Thoma de Muleton' Ricardo de Argentein Gaufrido de Nevill' Willielmo^t Mauduit Johanne de Baalun^u Dat' apud Westmon' undecimo die Februarii anno regni nostri nono^w.

V A R I A E L E C T I O N E S.

^a Malmesbury. O.TT.

^o Abbotesbury. O. Abbotesbir'. TT.

^p Bygwerr'. TT. de Bruera. O.

^q Breus. O.TT.

^r Monemue. TT.

^s Malo. D,Insp.O.TT.

^t Maudut et Johanne. TT.

^u et aliis Dat'. D,Insp.O.TT.

^w Nos autem donationes et concessiones predictas ratas habentes et gratas eas pro nobis et heredibus nostris concedimus et confirmamus easque tenore presentium innovamus volentes et concedentes pro nobis et heredibus nostris quod carta predicta in omnibus et singulis suis articulis imperpetuum firmiter et inviolabiliter observetur etiam si aliqui articuli in eadem carta contenti hu-

cusque forsitan non fuerint observati. D,Insp.O. TT. [In cujus rei testimonium has litteras nostras fieri fecimus patentes Teste Edwardo filio nostro apud Westm' duodecimo die Octobris anno regni nostri vicesimo quinto. T25.] Hiis testibus [venerabilibus patribus. T28.] R. Cantuar' archiepiscopo totius Anglie primate A. Dunolm' [episcopo. T28.] R. London' R. Elyen' Th. Exon' W. Coventr' et Lychefeld' S. Sar' J. Roff' { J. Norwycen'. D,Insp.O. } J. Landaven' { et. T28. } episcopis J. Lincoln' electo Johanne de Warenn' comite Surr' Thoma comite Lancastr' Rogero le Bygod comite Norff' et marescallo Anglie H. de Lacy comite Lincoln' Radulfo de Monte Hermer comite Gloucestr' et Hertford' Humfrido de Bo-

hun

VARIAE LECTIONES.

hunc comite Hereford' et Essex' Guydone de Bello
 Campo comite Warr' Ricardo filio Alani comite
 Arundel' Reginaldo de Grey Johanne de Hastings
 Henrico de Percy Hugone le Despenfer Hugone
 de Veer Roberto de Tateshale Hugone Bardolf
 Hugone de Curteney Johanne de Segrave Henrico
 de Grey Willielmo { le. D, Insp. O. } Ros de
 Helmesleye Alano la Züsche Roberto de Tony Ro-

berto de Monte Alto Willielmo de Breus Thoma
 de Furnival Johanne { Engayne. D, Insp. O. } Pe-
 tro Corbet Willielmo de Leyburne Willielmo le
 Latimer Waltero de Bello Campo senescallo hos-
 pitii nostri Waltero de Huntercumbe et aliis Dar'
 per manum nostram apud Westmonasterium vice-
 simo octavo die Martii anno regni nostri vicesimo
 octavo. D, Insp. O. T28.



CARTA CONFIRMATIONIS
REGIS HENRICI III,

XXVIII DIE JANUARI, MCCXXXVI,

ANNO REGNI XXI.



ENRICUS Dei gracia rex Anglie dominus
Hybernie dux Normannie et Aquitanie comes
Andegavie omnibus Christi fidelibus presen-
tem cartam inspecturis salutem Sciatis quod
intuitu Dei et pro salute anime nostre et
animarum antecessorum et heredum nostro-
rum ad exaltationem sancte ecclesie et emen-
dationem regni nostri concessimus et hac carta nostra confirmavi-
mus archiepiscopis episcopis abbatibus prioribus comitibus baroni-
bus militibus liberis hominibus et omnibus de regno nostro Anglie
omnes libertates et liberas consuetudines contentas in cartis nostris
quas eisdem fidelibus nostris fieri fecimus cum minoris essemus eta-
tis scilicet tam in magna carta nostra quam in carta nostra de foref-
ta Et volumus et precipimus pro nobis et heredibus nostris quod
prefati fideles nostri et successores et heredes eorum habeant et te-
neant in perpetuum omnes libertates et liberas consuetudines pre-
dictas non obstante eo quod predictae carte confecte fuerunt cum
minoris

minoris ætatis ut predictum est Hiis testibus venerabilibus
 patribus E. archiepiscopo Cantuar' P. Winton' J. Bathon' R. Du-
 noim' R. London' W. Karl' W. Exon' R. Sarr' H. Elyen' R. Linc'
 R. Hereford' A. Coventr' et Lychefeld' episcopis W. Valenc' et W.
 Wygorn' electis R. comite Cornub' et Pictav' J. comite Cestr' et
 Huntendon' J. comite Linc' constabulario Cestr' G. Marefcallo co-
 mite Pembr' W. comite de Ferrar' W. comite Warenn' H. comite
 Kanc' H. comite Essex' et Hereford Simone de Monteforti Williel-
 mo Lungesp' Willielmo de Ferrar' Willielmo de Vesey Ricardo de
 Percy Ricardo de Munfichet Willielmo de Ros Johanne Byset Gil-
 berto de Umframvill' Willielmo de Lancastr' Willielmo de Cantilu-
 po Waltero de Clifford Johanne Monem' Radulfo de Mortuo Mari
 Willielmo Mauduit Rogero la Zuch' Olivero de Vallibus Gilberto
 Basset et aliis Dat' per manum venerabilis patris R. Cycestr' epis-
 copi cancellarii nostri apud Westmonaster' xxviii^o die Januarii anno
 regni nostri vicesimo primo.



SENTENTIA EXCOMMUNICATIONIS

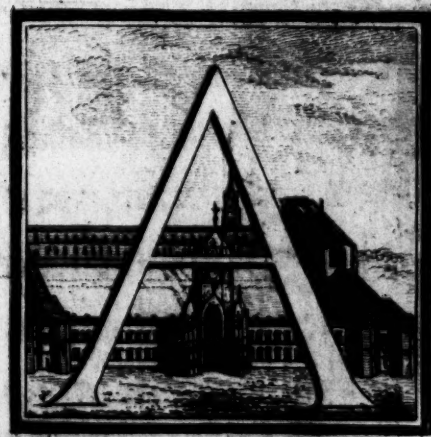
L A T A I N

TRANSGRESSORES CARTARUM

REGIS HENRICI III,

XIII DIE MAII, MCCLIII,

ANNO REGNI XXXVII.



ANNO Domini M CC LIII iij^o idus Maii in magna aula regis apud West' sub presentia et assensu domini Henrici Dei gratia illustris regis Anglie et dominorum R. comitis Cornub' fratris sui R. comitis Norff' et Suff' marescalli Anglie H. comitis Heref' H. comitis Oxon' J. comitis War' et aliorum optimatum regni Anglie Nos B. divina miseratione Cant' archiepiscopus totius Anglie primas F. London' H. Elyens' R. Linc' W. Wygorn' W. Norwic' P. Hereford' W. Sarr' W. Dunolm' R. Exon' S. Karl' W. Bathon' L. Roffens' Thom. Menevens' episcopi pontificalibus

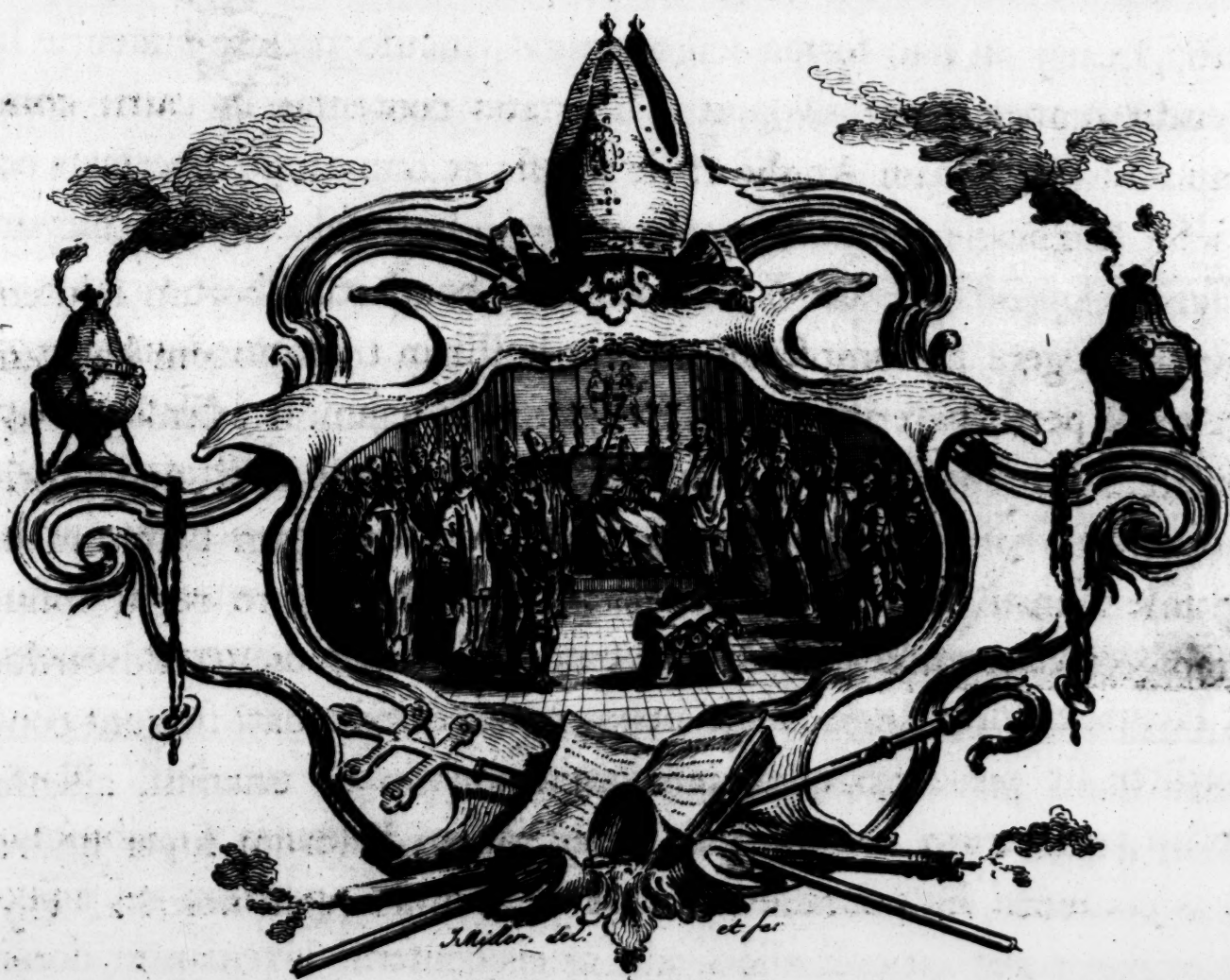
ficilibus induti candelis accensis in transgressores libertatum ecclesiasticarum et libertatum seu liberarum consuetudinum regni Anglie et precipue earum que continentur in carta communium libertatum regni et carta de foresta excommunicationis sententiam solempniter tulimus sub hac forma Auctoritate Dei patris omnipotentis et patris et filii et spiritus sancti et gloriose Dei genitricis semperque virginis Marie beatorum apostolorum Petri et Pauli omniumque apostolorum beati Thome archiepiscopi et martiris omniumque martirum Dei beati Edwardi regis Anglie omniumque confessorum atque virginum omniumque sanctorum Dei excommunicamus anatematizamus et a liminibus sancte matris ecclesie sequestramus omnes illos qui amodo scienter et malitiose ecclesias privaverint vel spoliaverint suo jure Item omnes illos qui ecclesiasticas libertates vel antiquas regni consuetudines approbatas et precipue libertates et liberas consuetudines que in cartis communium libertatum et de foresta continentur concessis a domino rege archiepiscopis episcopis et ceteris Anglie prelatibus comitibus baronibus militibus et libere tenentibus quacunque arte vel ingenio violaverint infregerint diminuerint seu immutaverint clam vel palam facto verbo vel consilio contra illas vel earum aliquam in quocunque articulo temere veniendo Item omnes illos qui contra illas vel earum aliquam statuta aliqua ediderint vel edita servaverint et consuetudines introduxerint vel servaverint introductas scriptores statutorum necnon consiliatores et executores et qui secundum ea presumpserint judicare qui omnes et singuli superius memorati hanc sententiam incurfuros se noverint ipso facto qui scienter aliquid commiserint de predictis qui vero ignoranter nisi commoniti infra quindenam a tempore commonitionis se correxerint et arbitrio ordinario- rum satisfecerint de commissis extunc sint hac sententia involuti Eadem etiam sententia innodamus illos qui qui pacem regis et reg-

ni

ni presumpserint perturbare In cuius rei memoriam sempiternam nos signa nostra duximus apponenda.

NOVERINT universi quod dominus Henricus rex Anglie illustris R. comes Norff' et marescallus Anglie H. comes Hereford' et Essex' J. comes de Warrewic' Petrus de Sabaud' ceterique magnates Anglie consenserunt in sententiam excommunicationis generaliter latam apud Westm' tertio decimo die Maii anno regni regis predicti xxxvij^o in hac forma scilicet quod vinculo prefate sententie ligentur omnes venientes contra libertates contentas in cartis communium libertatum Anglie et de foresta et omnes qui libertates ecclesie Anglicane temporibus domini regis et predecessorum suorum regum Anglie optentas et usitatas scienter et maliciose violaverint aut infringere presumpserint et omnes illi qui pacem domini regis et regni perturbaverint et similiter omnes qui jura et libertates regis et regni diminuere infringere seu immutare presumpserint et quod omnes venientes contra premissa vel eorum aliqua ignoranter et legitime moniti infra quindenam post monitionem premissam dictam transgressionem non emendaverint extunc predictae sententie excommunicationis subjacebunt ita tamen quod dominus rex transgressionem illam per considerationem curie sue faciat emendari Sciendum autem quod si in scriptis super eadem sententia a quibuscunque confectis seu conficiendis aliud vel aliter appositum vel adjectum fuerit aut articuli aliqui alii in eis contenti inveniantur dominus rex et predicti magnates omnes et communitas populi protestantur publice in presentia venerabilium patrum B. Dei gratia Cant' archiepiscopi totius Anglie primatis necnon et episcoporum omnium

nium in eodem colloquio existentium quod in ea nunquam consenserunt nec consentiunt set de plano eis contradicunt Preterea prefatus dominus rex in prolatione prefate sententie omnes libertates et consuetudines regni nostri antiquas et usitatas et dignitates et jura corone sue ore proprio specialiter sibi et regno suo salvavit et excepit In cujus rei memoriam et in posterum veritatis testimonium tam dominus rex quam predicti comites ad instantiam aliorum magnatum et populi presenti scripto sigilla sua apposuerunt.



CARTA CONFIRMATIONIS
REGIS HENRICI III,

XIV DIE MARTII, MCCLXIV,

ANNO REGNI XLIX.



EX^a omnibus de comitatu Eborum salutem
Cum propter hostilem turbationem habitam
in regno nostro de unanimi assensu et vo-
luntate nostra et Edwardi filii nostri pri-
mogeniti prelatorum comitum baronum et
communitatis regni nostri pro regni ipsius
pace pro cujus securitate dictus Edwardus
et Henricus filius Regis Alem' nepos noster obsides dati fuerunt con-
corditer sit provisum quod quedam ordinatio de unanimi assensu
nostro prelatorum comitum ac baronum predictorum super nostro
et regni nostri statu London' mense Junii anno regni nostri xl^o viij^o

^a In MS. Cotton. Claud. D. II. 44. fol. 137. sic Aquitanie omnibus de comitatu Midd' salutem
legitur; HENRICUS Dei gratia rex Anglie et dux Cum, &c.

facta

facta inviolabiliter ^b observentur universitatem vestram scire volumus quod nos ordinationem ipsam et pacem et tranquillitatem regni bona fide observare et in nullo contravenire ad sancta Dei ewangelia juravimus hoc adjecto in eodem sacramento specialiter et expresse quod occasione factorum precedentium temporeurbationis aut guerre precedentis neminem occasionabimus aut inculpabimus de illis aut de parte illorum quos tanquam inimicos diffidavimus puta comites Leyc' et Glouc' et alios sibi adherentes ac barones seu cives nostros London' et quinque portuum nec alicui de predictis dampnum faciemus aut fieri procurabimus nec per ballivos nostros aliquatenus fieri permittemus Juravimus insuper quod ea omnia que pro liberatione dictorum filii nostri ac nepotis sunt provisa et sigillo nostro sigillata quantum ad nos pertinet inviolabiliter observabimus et ab aliis pro posse nostro faciemus observari Volentes et consentientes expresse quod si nos vel dictus Edwardus filius noster contra predictam ordinationem provisionem nostram seu juramentum quod absit in aliquo venire seu pacem et tranquillitatem regni nostri turbare seu occasione factorum precedentium temporeurbationis ac guerre precedentis aliquem de predictis aut de parte predictorum quos diffidavimus occasionare seu alicui de eis dampnum facere aut fieri procurare presumpserimus liceat omnibus de regno nostro contra nos insurgere et ad gravamen nostrum opem et operare juxta posse ad quod ex presenti precepto nostro omnes et singulos volumus obligari fidelitate et homagio nobis factis non obstantibus ita quod nobis in nullo intendant set omnia que gravamen nostrum respiciunt faciant ac si in nullo nobis tenerentur donec quod in hac parte transgressum fuerit seu commissum satisfac-

^b Sic in Rotulo. In MS. Cotton. observetur.

tione congrua in statum debitum secundum predictorum ordinationis et provisionis nostre seu juramenti formam fuerit reformatum quo facto nobis sicut prius intendentes existant Et si aliquis alius de regno nostro contra predicta venire seu pacem et tranquillitatem regni nostri turbare presumpserit seu nobis vel Edwardo filio nostro aut alicui alteri contra predicta vel aliquod predictorum venientibus opem consilium consensum vel auxilium quoquo modo prestiterit si hoc notorium fuerit aut de hoc per considerationem consilii nostri et magnatum terre nostre convictus fuerit * five non tam ipse quam heredes sui imperpetuum exheredentur et de terris et tenementis ipsorum fiat prout de terris eorum qui de feloniam convicti sunt secundum leges et consuetudines regni nostri fieri consuevit Ad hec de unanimi assensu et voluntate nostri Edwardi filii nostri prelatorum comitum baronum et communitatis regni nostri concorditer provisum est quod carte antike communium libertatum et foreste communitati regni nostri per nos dudum concessæ in quarum violatores ad petitionem nostram sententia excommunicationis dudum lata est et per sedem apostolicam specialiter confirmata necnon et omnes articuli de nostro et magnatum terre nostre communi assensu dudum provisæ quos nuper apud Wigorn' existentes per singulos comitatus sub sigillo nostro transmisimus inviolabiliter observentur imperpetuum ad quorum observationem sacramento ad sancta Dei ewangelia corporaliter prestito sponte nos obligavimus et omnes justiciarios vicecomites et quoscunque ballivos de regno nostro tam nostros quam aliorum simili sacramento volumus obligari ita quod nullus teneatur alicui ballivo obedire donec sacra-

* Sic Rotulus, manifesto (ut videtur) mendo. In MS. Cotton. post verba convictus fuerit hæc clausula sequitur; de unanimi assensu nostro Edwardi filii nostri comitum baronum et communitatis reg-

ni nostri provisum est et statutum quod corpus ipsius si inventum fuerit capiatur alioquin a regno nostro utlagetur et si inventus fuerit si non, &c.

mentum

mentum prestiterit Et si quis contra cartas ipsas vel articulos predictos in aliquo venire presumpserit preter perjurii reatum et excommunicationis sententiam que incurreret per considerationem curie nostre graviter puniatur Salvo in premissis prout decet privilegio clericali Et quia volumus quod hec omnia firmiter et inviolabiliter observentur universitati vestre firmiter injungendo ac precipiendo mandamus quatinus vos omnes et singuli predicta omnia et singula sicut superius scripta sunt faciatis teneatis et inviolabiliter observetis et ad ea omnia facienda tenenda et observanda ad sancta Dei ewangelia sacramento corporaliter prestito ad invicem vos obligetis In cujus rei testimonium cartas et ordinationes predictas cum presentibus literis patentibus vobis sub sigillo nostro transmittimus in comitatum nostrum sub custodia fidedignorum ad hoc electorum ad rei memoriam salvo custodiendas Contra quas ne quis ignorantiam pretendere possit in futurum ad minus bis in anno in pleno comitatu ipsas precipimus publicari ita quod fiat prima publicatio in proximo comitatu post instans festum Pasche secunda vero fiat in proximo comitatu post festum sancti Michaelis et sic deinceps fiat annuatim Volumus insuper quod salvis omnibus supradictis omnes alie ordinationes et articuli per nos et consilium nostrum hactenus provisi qui poterunt ad honorem Dei et ecclesie fidei nostram et regni nostri commodum observari inviolabiliter observentur et teneantur Ut autem premissa omnia et singula firma maneant et inconcussa reverendi patres episcopi per regnum nostrum constituti ad instantiam nostram sententiam excommunicationis fulminarunt in omnes illos qui contra premissa vel aliquid premissorum scienter venerint aut venire temptaverint cum effectu quorum jurisdictioni seu coercioni spontanea voluntate quantum ad premissa nos submittimus privilegiis nostris omnibus impetratis

U

aut

78 CARTA CONFIRMATIONIS, &c.

aut impetrandis seu proprio motu domini pape nobis concessis aut in posterum concedendis in hoc pure renunciantes prout in litteris super hoc confectis penes dictos prelatos residentibus plenius continetur In cujus rei testimonium has litteras nostras fieri fecimus patentes Teste meipso apud Westm' ^d.

^d Sic explicit Rotulus. In MS. Cotton. haec sequitur Clausula; xiiij^o die Martii anno regni nostri xlix^o.



STATUTUM DE MARLEBERGE,
REGIS HENRICI III,

XVIII DIE NOVEMBRIS, MCCLXVII,

ANNO REGNI LII.

Capitulum quintum.



AGNA carta in singulis suis articulis teneatur tam in hiis que ad regem pertinent quam ad alios et hoc coram justiciariis itinerantibus in suis itineribus et vicecomitibus in comitatibus suis cum opus fuerit demandetur et brevia versus eos qui contravenerint gratis concedantur coram rege vel coram justiciariis de banco vel coram justiciariis itinerantibus cum in partes illas venerint Similiter carta de foresta in singulis suis articulis teneatur et contravenientes per dominum regem cum convicti fuerint graviter puniantur modo supradicto.

CONFIRMATIO CARTARUM
REGIS EDWARDI I,

V DIE NOVEMBRIS, MCCXCVII,

ANNO REGNI XXV.



EDWARD par le grace de Dieu roi dEngleterre seigneur dIrlaunde e ducs dAquitanie a toutz ceuz qui cestes presentes lettres verront ou orront saluz Sachiez nous al honeur de Dieu e de seinte eglise e au profit de tout nostre roiaume avoir graunte pur nous e pur nos heys ke la graunt chartre de fraunchises e la chartre de la foreste les queles feurent faites par commun asent de tout le roiaume en le temps le roi Hanry nostre pere soient tenues en touz leur pointz sanz nul blemissement E volums ke meismes celes chartres desouz nostre seal soient envieez a noz justices ausi bien de la forest cume as autres e a touz les viscountes des counteez e a toutz nos autres ministres e a toutes noz eyteez par my la terre ensemblement ove noz brefs en les quieux ferra countenu kil facent les avaunt dites chartres puplier e ke il facent dire au pueple ke nous les avums grauntees de tenir les en toutz leur pointz E a nos justices viscountes e maires e autres ministres qui la loy de la terre desoutz nous e par nous ount a guier meismes les chartres en toutz lur pointz en pledz devant eaulx en

en jugementz les facent alower cest a favoir la graunt chartre des fraunchises cume loi commune e la chartre de la forest solunc lasise de la forest al amendement de nostre pueple. E volums ke si nuls jugementz soient donez desore mes encountre les pointz des chartres avaunt dites par justices e par nos autres ministres qui countre les pointz des chartres tienent pledz devaunt eux soient defez e pur nyent tenuz. E voloms ke mieismes celes chartres desoutz nostre seal soient envieez as eglises cathedrales parmi nostre roiaume e la demoergent e soient deus fiez par an lues devaunt le poeple. E ke arceevesques evesques doingnent sentences du graunt escumeng' countre touz ceaux qui countre les avaunt dites chartres vendront ou en fait ou en ayde ou en consal ou nul poynt enfreindrent ou encountre vendront e ke celes sentences soient denunciez e pupliez deux foyz par an par les avantditz prelas e si meismes les prelas evesques ou nul deux soient negligentz a la denunciacion fudite faire par les arceevesques de Caunterbire e de Everwyk qui pur temps serrount sicume covyent soient repris e distreinz a meismes cele denunciacion fere en la fourme avaunt dite. E pur coe ke aucune gentz de nostre roiaume se doutent que les aides e les mises les queles il nous unt fait avaunt ces heures pur nos guerres e autres busoignes de leur graunt e de leur bone volente en quele manere qe fez soient peussent tourner en servage a eux e a leur heys par coe quil ferroient autrefoiz trovez en rulle e ausint prises que unt este faites par my le roiaume par nos ministres en nostre noun avums graunte pur nous e pur nos heys que mes teles aydes mises ne prises ne treroms a coustume par nule chose qe soit fayte ou ke par rulle ou en autre manere pust estre trovee. E ausint avums graunte pur nous e pur nos heys as arceevesques evesques abbees priours e as autre gentz de seint eglise e as countes e barouns e a toute la communaute de la terre que mes pur nule busoignie tieu manere des

aydes mises ne prises de nostre roiaume ne prendrums fors ke par commun assent de tut le roiaume e a commun profist de meismes le roiaume sauve les auncienes aydes e prises dues e a coustumees E pur coe ke tout le plus de la communaute del roiaume se sentent durement grevez de la male toute des leynes cest asaver de chescun sac de leyne quarante sous e nous unt prie ke nous les voufissums releffer nous a leur priere les avums pleinement releffe e avums graunte que cele ne autre mes ne prendrums sauntz leur commun assent e lur bone volente sauve a nous e a nos heys la coustume des leynes peaux e quirs avaunt grauntez par la communaute du roiaume avaunt dit En tesmoinaunce des quieux choses nous avums fait faire cestes nos lettres overtes Donees a Gaunt le quint jour de Novembre lan de nostre regne vintisme quint.



A R T I C U L I
S U P E R C A R T A S,
R E G I S E D W A R D I I,

VI DIE MARTII, MCCXCIX,

ANNO REGNI XXVIII.



UR ceo qe les poyntz de la grant chartre des franchises & la chartre de la forest les quieus le roy Henri pere le roi qe ore est granta a soen poeple pur le pru de soen roiaume ne unt pas este tenuz ne gardez avant ces heures pur ceo qe peyne ne fust avant establie en les trespasours contre les poyntz des chartres avantdites nostre seigneur le roi les ad de novel grante renovele e conferme et a la requeste des prelatz contes & barouns en soen parlement a Westmonster en quaremm lan de soen regne vynt et utisme ad certeine fourme & peyne ordene e establi encontre tuz iceaus qe contre les poyntz des avantdites chartres ou nul poynt de eles en nule manere vendront en la fourme qe senfuit cest asavoir Qe de ci enavant la grant chartre des franchises dEngleterre grantee a tote la commune dEngleterre e la chartre de la forest en meisme la manere grantee soient tenues gardees e maintenues en chescun article & chescun poynt ausi pleynement come le roi lad grante renovele & par sa chartre conferme E qe celes chartres

tres soient baillees a chescun viscont dEngleterre desoutz le seal le roi a lire quatre foiz par an devant le poeple en plein conte cest asavoir a prochein conte après la feint Michel al prochein conte apres le Noel al prochein conte apres la Pasqe et al prochein conte apres la feint Johan Et a celes deus chartres en chescun poynt & en chescun article de eles fermement tenir ou remedie ne fust avant par la commune ley soient eslus en chescun conte par la commune de meisme le conte trois prodes hommes chivaliers ou autres loiaux sages & avises qui soient justices jures & assignes par les lettres le roi overtes de soen grant seal de oyr & determiner fantz autre bref que leur commun garant les plaintes que se ferront de touz iceaus que vendront ou mesprendront en nul des ditz poyntz des avantdites chartres es contetz ou il sont assignes ausibien dedenz franchises come dehors e ausibien des ministres le roi hors de leur places come des autres et les plaintes oyes de jour en jour fantz delay les terminent sanz alluer les delais que sont allues par commune ley E que meismes ceaus chevaliers eient poer de punir touz ceaus que ferront atteintz de trespas fait encontre nul point des chartres avantdites ou remedie ne fust avant par commune ley ausi comme avant est dit par enprisonement ou par ranceoun ou par amerciement selonc ceo que le trespas le demande Et par ceo nentent pas le roi ne nul de ceaux que fust a cest ordenement fere que les chivaliers avantditz tieignent nul play par le poer que done leur ferra encas ou avant ces heures fust remedie purveu solonc la commune lay par bref ne que prejudice ensoit fet a la commune ley ne a les chartres avantdites en nul de leur pointz E voet le roi que si touz treis ne soient presentz ou ne purront as totes les foiz entendre a faire leur office en la fourme avantdite que deus des trois le facent E ordene est que les viscontes e les baillifs le roi soient entendantz as les comandementz des avantdites justices en quantqe apent a leur office.

CARTA CONFIRMATIONIS
REGIS EDWARDI I,

XIV DIE FEBRUARII, MCCC,

ANNO REGNI XXIX.



EDWARDUS Dei gratia rex Anglie dominus Hibernie et dux Aquitannie omnibus ad quos presentes littere pervenerint salutem Sciatis quod cum nos magnam cartam domini Henrici quondam regis Anglie patris nostri de libertatibus Anglie una cum carta de foresta concesserimus et confirmaverimus ac innovaverimus per cartam nostram preceperimusque quod carte ille in singulis suis articulis teneantur et firmiter observentur volumus et concedimus pro nobis et heredibus nostris quod si que statuta fuerint contraria dictis cartis vel alicui articulo in eisdem cartis contento ea de communi consilio regni nostri modo debito emendantur

86 CARTA CONFIRMATIONIS, &c.

dentur vel eciam adnullentur In cuius rei testimonium has litteras
 nostras fieri fecimus patentes Teste meipso apud Lincolniam quar-
 todecimo die Februarii anno regni nostri vicesimo nono.



FINIS